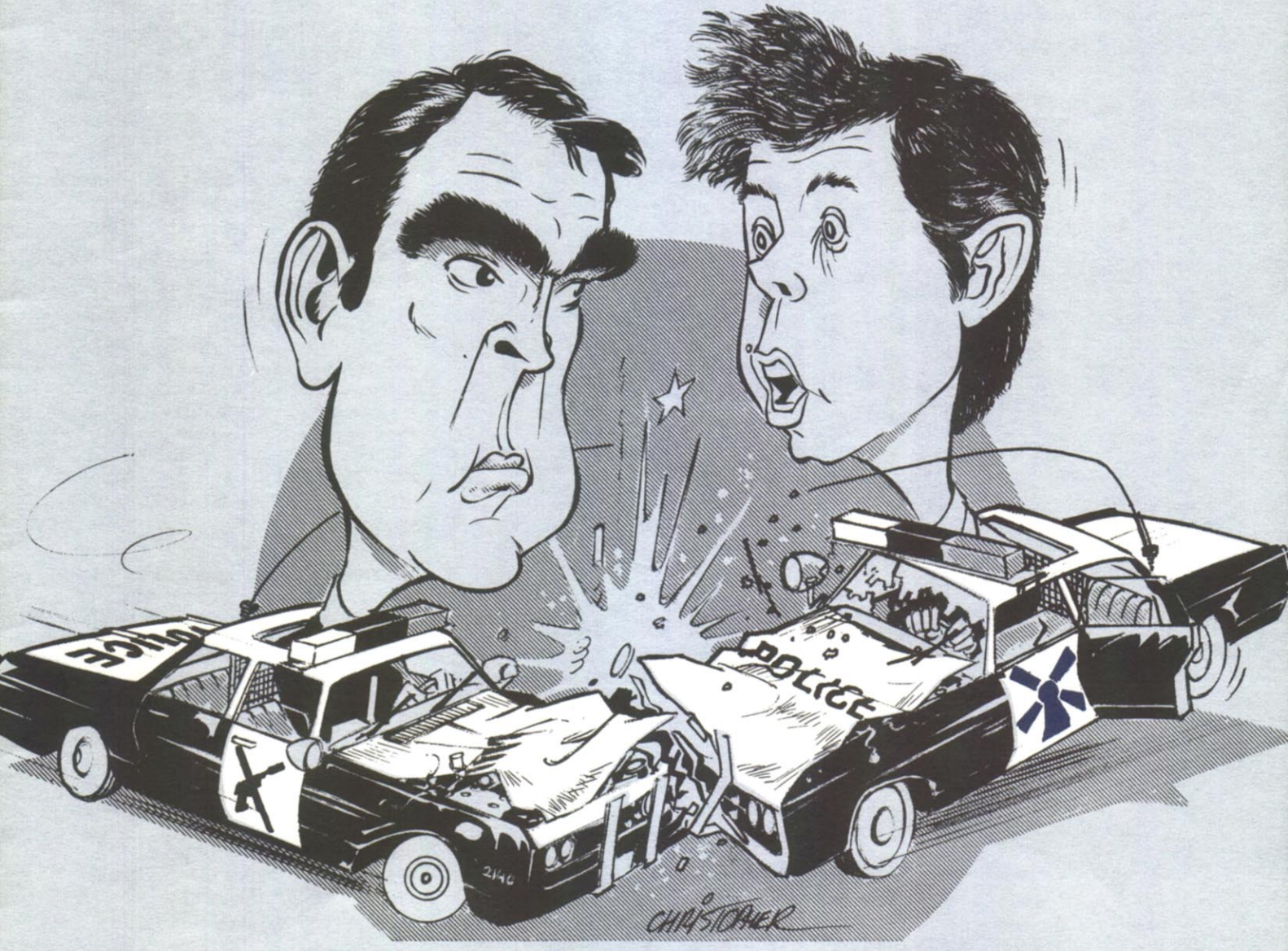
California Journal

The Monthly Analysis of State Government and Politics

October 1982/$2.50

Forecasts from
The Political Battlefield



Nicholson *vs.* Van de Kamp
Collision Course for AG

Legislative race outlook
Reforms ahead for public schools?

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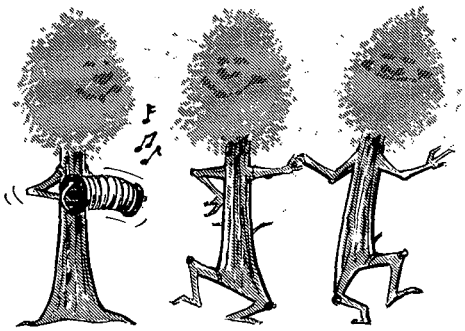
No Comment

Just in case anyone is wondering, here is how the state Arts Council describes itself:

(a) **The Goals of the Arts Council are:**

1: To nurture and support the many sprouts of creativity struggling throughout the state. 2: To recognize and foster diversity of form and expression. 3: To employ artists in their own communities and facilities, mutual exposure for the benefit of both. 4: To ensure equitable distribution of state arts resources. 5: To serve as a center for the gathering of data about the need and desire of citizens within the state to give information and assistance to artists, art organizations and the public so as to get them together.



(b) **The Missions of the Arts Council are:**

1: To make the arts and creativity an integral and accepted part of daily life throughout the state, neighborhood by neighborhood, with all the local desires, diversities and styles. 2: To deepen the sense of beauty and complexity of the land of the state of California and encourage expression from and clarifies the actual place we live to the end of a better life for both people and the redwoods. 3: To achieve viable economic issues for people involved in creative activity. 4: When through the above to maintain habitats for the great labor-intensive art forms that have come to us from the past and stimulate creative innovations and such for new forms. 5: To openly have a society so deeply mired in art, crafts and style as to render the Arts Council unnecessary.

Based on the sale of Duke and Tom T-shirts by the *Journal*, California's next governor will be George Deukmejian. We call it the "least scientific poll ever conducted."

California government will go into a state of chaos if a bill by Senator Milton Marks ever truly goes into effect. The bill, SB 2051, requires state employees to use the English language rather than Sactobabble. The mandate: "Each department, commission, office or other administrative agency of state government shall write each document which it produces in plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style."

What lobby deserves the most credit for protecting its own interests during the state's budget crisis? Try to top the wine industry, which apparently hasn't even come close to losing its favored tax status. In case you don't know, the state tax on wine is a token 1 cent a gallon.

Strategists in the camps of both George Deukmejian and Tom Bradley apparently feel that the race for governor will be decided north of the Tehachapis. That could put Bradley at a disadvantage. Although both candidates are from Los Angeles County and both have essentially the same stand on water, the mayor of Los Angeles probably is at a disadvantage trying to woo San Francisco Bay area voters with the words Peripheral Canal and Oakland Raiders still on the minds of the citizenry. Fortunately for Bradley, most of these same voters normally vote Democratic.

For many months, Assemblyman Art Agnos of San Francisco has been getting favorable publicity out of a writing assignment he accepted from the *Journal*. Both Agnos and Senator Bill Richardson agreed to pen pieces giving a politician's view of the press. Richardson wrote his article promptly, and the product appeared in the March issue. Now, we have word from Agnos that his procrastination and research period has ended and that the article will be ready shortly.

ARCO has been proud to announce that its no-credit cards policy has been extremely well received by California motorists. Apparently, customers are attracted by ARCO's low gasoline prices. What the firm doesn't announce proudly is that the price of milk at an ARCO station is apt to run 80 cents a quart.

Assemblyman Richard Robinson used the following cartoon from the *Journal* on the invitation to a recent $500-per-person cocktail party. Some of those who received the solicitation, for some reason, thought that the use of the cartoon was in bad taste.

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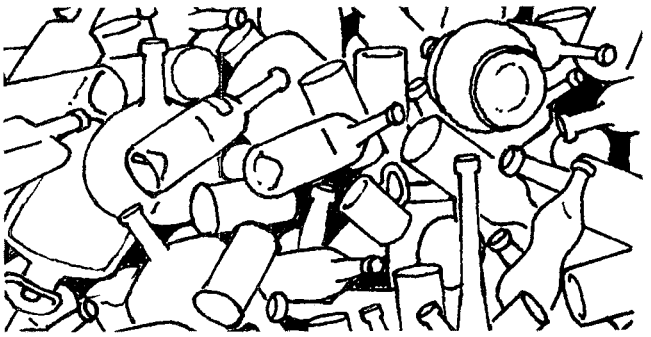

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California Journal

The Monthly Analysis of State Government and Politics

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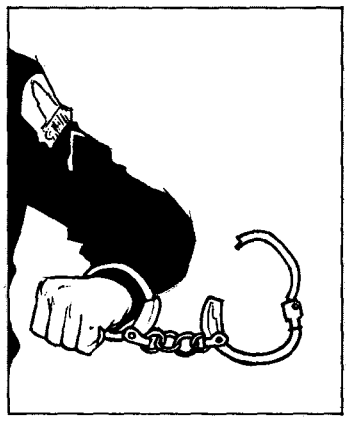
Personal
PERSPECTIVE
By Ed Salzman

Questions about crime

It would be tempting to begin this column by mentioning the Hollywood police burglary ring, or the "brilliant" Berkeley police inspector who was sent to jail for peddling cocaine, or any of the other misadventures of California's finest. But that would be a cheap shot. Up to a loftier level:

The current political debate on crime in California is about 99 percent pure rhetorical nonsense. Sure, the citizenry is concerned about crime in the streets. Candidates are responding by demonstrating their toughness on crime and the purported weakness of their opponents. Invariably, the targets are officeholders in Sacramento and judges in the courthouses. And this is happening even though the state has by far the toughest anti-crime laws in modern times, when judges have relatively little to say about length of sentence and when the jails and prisons are bursting at the seams with inmates.

What's wrong? The politicians are attacking only two of the four major elements in the criminal-justice system — trial and incarceration. Very little is being said about apprehension and prosecution. The main reason why California has a significant crime problem is that the perpetrators of three-quarters of the crimes are not caught and brought to trial.



Crime pays in California because the dumb, the obvious and the unlucky are caught, while most others go free. Before screaming at judges and legislators, citizens ought to ask themselves a series of questions along these lines:

- Does our community have an effective crime-prevention program?
- Do citizens report all crimes, and are they generally cooperative with police?
- Do police officers respond immediately to reports of crime, and do they have the proper attitude in the taking of reports?
- Is every reported crime given prompt and thorough investigation, regardless of the severity of the offense, by highly talented sleuths?
- Is the quantity and quality of the police force sufficient to handle the workload?
- Do prosecutors have the resources and the will to attack all cases with vigor?
- Can the courts handle the crime caseload expeditiously, or are judges always looking for shortcuts?
- For those found guilty, does the punishment fit the crime?

If the answer to any of the first six questions is no, charges against officeholders and judges are irrelevant. What good does it do to increase penalties if the criminals are never brought to trial?

In one community, it might take a substantial increase in the size of the police department to get the job done right. In another, it might also take an upgrading of the caliber of personnel. To do either requires statesmanship on the part of politicians. What officeholder wants to raise taxes so that twice as many patrolmen can be put on the street? What candidate is willing to say that we have set inadequate standards for our law-enforcement officials? It simply is much easier to criticize judges and call for increased penalties than to imply that the police departments are not doing a good job and that more money is needed to solve the problem.

But there is no logic to a debate that centers on incarceration while apprehension is all but ignored.

ROSTRUM

Short letters from subscribers are encouraged.

Nonsense, poppycock

Donald Sizemore's discussion of the politics of cable television franchising (August 1982) was excellent. Yet his concern for the democratic process from the perils of "narrowcasting" is nonsense. Daytimes "soaps" gained their name from product sponsors beaming the commercial messages to bored housewives nearly 30 years ago. Pitching commercials at specific groups by discovering their viewing habits is not new.

Cable television, however, has recently complicated the process of political advertising. Because program "shares" of 20 percent or more are rare on a 100-channel cable system, audiences are not just narrow, they are often just plain small. Cable outlets sell time only for their own ad-supported channels, not programming from other TV stations. Therefore, a potential political media buyer must deal with each one of the many different stations carried by a cable.

While it is now technically possible for a TV station to program different commercials for the various areas it serves by cable, the practice is not yet widespread, nor does it add much potential for the political media buyer.

Finally, Mr. Sizemore states, "It has been unusual for a local candidate to use television advertising, especially in larger media markets." Poppycock. We need only remember the recent campaigns for sheriff and district attorney in Sacramento (22nd market) to know better.

CHARLES E. ORR
University of California, Davis

Fight of access

California's experience with cable television may be less than salutory, but it is not true that "no one in Sacramento is looking into how cable television may alter the democratic process — for better or worse."

A closer examination of my legislation, AB 2742, will reveal the bill's clear intent to promote "democracy on the cable." It does this by mandating "access rights" for persons other than the owners of cable-franchise monopolies to get programs and independent viewpoints on the cable. . .

RICHARD ROBINSON
Assemblyman, 72nd District

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California's classroom crisis

Barring a miraculous upturn in state revenues, the 1983 Legislature will be faced with a difficult dilemma: How can it meet the demands of the Educational Establishment for more money and also produce basic reforms that will help restore public confidence in the schools?

By VIC POLLARD

"Everybody is loving the schools to death," state Superintendent of Public Instruction Wilson Riles is fond of saying these days.

It is an apt description of the dilemma California's public schools found themselves in as the fall term opened. Facing their worst financial crisis since the Great Depression, the schools are being inundated with pledges of sympathy and support by everyone from Governor Jerry Brown down through the Legislature and the business community and out into the public at large.

But when this year's legislative session ended, the schools had been given virtually no increase above last year's funding level. Although inflation is not as rampant as it once was, that still could mean a reduction of $1 billion in purchasing power for the state's $10 billion elementary and secondary school system.

As a result, most of the state's 1,043 local school boards have been forced to trim millions of dollars from budgets that were largely locked into place before the scope of this year's fiscal disaster became evident. Legally barred from laying off teachers at this late date, they are shortening school days, dropping whole programs, trimming bus routes and charging students to participate in sports and other extracurricular activities. And there is rising fear that if the economy does not improve, the state budget may have to be rewritten in January, slashing education funding even further.

All of this could hardly have come at a worse time. Enrollments are beginning to rise again for the first time in a decade, and not always in the neighborhoods where schools were closed in the last several years because of the decline. On top of that, the schools are facing a serious teacher shortage in the next few years because of retirements in the current aging teacher corps and because of lack of money to attract and hold good, young replacements. The shortage is already acute in the math and science fields, where students need improved training for the future job market. This year's futile effort to find more money for education demonstrates that the schools are in deep trouble, not just financially but politically as well. Just a few years ago, the "education community" could wring hundreds of millions of dollars out of the Legislature without breathing hard. This year, however, it could not come close to assembling the two-thirds majority needed for increases in "sin taxes" on cigarettes and alcoholic beverages, even though a legitimate poll showed that a majority of voters would accept it.

Vic Pollard, a Capitol reporter for Gannett News Service, is a frequent contributor to the Journal.

The same Legislature that last year socked the public with a gasoline tax hike to build highways refused to give serious consideration to a tax increase for schools.

"Unfortunately, the legislators here do not want to raise taxes in an election year," Senator Alan Sieroty said in a dramatic obituary as his bill to produce more than $400 million in alcohol and tobacco taxes died on the final day of the session. Sieroty immediately called for a special session on school funding after the elections, and there was a flurry of agreement from leaders in both houses. They fired off a letter asking Brown to call the session, but political realists did not give good odds on it in light of the state's overall fiscal uncertainties.

The sagging economy and the approaching election are only parts of the schools' problems. Interviews with many of the major players in the school-finance game show that another factor is at work as well: Educators are being held accountable for the steady erosion in public confidence in the schools during the last several years. Legislators and other officials have received choruses of complaints about high school graduates who can't read, children who spend fewer hours and days in school than do their contemporaries in other states, campuses where vandalism and violence are common and drug dealers operate openly.

A litany of complaints

It is this litany of other complaints which compounds the schools' money woes. Many of the criticisms are not the fault of the schools but are instead a reflection of larger social changes, such as the breakdown of the family and lessened respect for authority. Yet the parents and non-parents who vote for legislators are voicing increased unhappiness about the public schools' performance. In such a climate, lawmakers are less likely to vote more millions for education without asking some hard questions.

The problems include:

- **California students'** scores on standard achievement tests have been an embarrassment for most of the last decade. Despite steady improvement in the scores of elementary pupils, those of high school seniors slid downward faster than the national average until a slight upturn last year.
- **California students** spend less time in school, take fewer academic courses and have less homework than their counterparts in most other states, according to a recent national survey.
- **The constituency** for public education is shrinking as the percentages of the state's population grow among the elderly and among the working singles who postpone or reject rearing children. Only about one in three households statewide has a student in public schools, statistics show.

Also, many Californians lack confidence in the school sys-

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tem. A recent California Opinion Index, published by The Field Institute, says about one in three (36 percent) believes the local public schools are doing an excellent or good job. But 58 percent say the schools are fair, poor or very poor.

• **Average class size** continues to grow while teacher salaries are going up. But total support for schools — measured as a percentage of personal incomes — is dropping sharply. Ten years ago, California ranked ninth among the other states in the percentage of personal income spent on its schools. According to 1981 figures from the National Education Association, it's now next-to-last — ahead of only Nevada.

Yet California's pupil/teacher ratio is second highest in the nation: 23.6 compared to a national average of 18.4. And the state's teachers' pay is also relatively high, seventh in the nation: $20,729 compared to a national average of $17,590. There are two main reasons for the disparity: Over the years, California teachers have generally traded larger class sizes for higher pay raises. Also, the teaching population is aging and therefore higher paid on automatic salary ladders. (The average age of California teachers is now 44.)

• **The education community** has internal and external political problems of its own. The teachers' unions, the California Teachers Association and the California Federation of Teachers, have always formed the core of the massive coalitions which were so successful in manipulating the Legislature. They were about the only source of campaign contributions that could make the difference on tough education votes.

But even some of the schools' best friends in the Legislature are beginning to view the unions as a liability because of their growing militancy, combined with their staunch resistance to educational quality reforms like higher performance standards for teachers and liberalized procedures for getting rid of incompetents. Hundreds of CTA members swarmed into the Capitol one day in August to lobby for a school funding bill, but the consensus later was that they may have done themselves more harm than good because of their insistent approach. "I think they lost a few votes," was a common remark from lawmarkers.

The fact that there is a growing backlash against the CTA and the CFT was underscored in the final days of the legislative session when the unions could not muster even a simple majority in the Senate for a bill that would have given them a new weapon in obtaining "agency shop" contracts with their employers. The bill would have boosted the number of school districts where teachers would be required to pay union dues, whether they belong or not, on peril of losing their jobs. The lawmakers could easily have given the unions the agency-shop bill as compensation for their failure to provide more money for pay raises. In fact, state and local government employee unions did win agency-shop concessions from the Legislature this year. But the teacher union proposal was considered too greedy or too politically risky, even by some of their long-time allies.

• **A vacuum in** educational leadership in the Legislature is another problem. Throughout the 1960s and 1970s, there were a number of strong, capable legislators who made education their specialty. Over the long haul, the best friend the schools ever had was former Democratic Senator Albert Rodda, long-time chairman of the Senate Education Committee. Others included former Republican Assemblymen Frank Lanterman and Dixon Arnett and former Democratic Senators John Dunlap and Arlen Gregorio.

But that bipartisan leadership corps has largely disappeared during the past few years for a variety of reasons, many of them related to the taxpayers' revolt in which voters appeared to be turning against the schools along with the rest of government. Rodda was defeated in 1980 by conservative Senator John Doolittle after a campaign which featured charges that Rodda was largely responsible not only for the rising cost of education but also for the growing "permissiveness" and lack of discipline on school campuses.

One of the few survivors is Democrat Leroy Greene, chairman of the Assembly Education Committee, but he is facing a tough campaign to unseat Rodda's nemesis, Doolittle, and he refused to be the point man on school finance this year. "He has been in the barrel so many years in a row that he has essentially decided to take a break," says one lobbyist. The author of this year's big funding bill, Senate Education Committee Chairman Sieroty, is retiring.

The only other experienced, aggressive educational expert is Democratic Assemblyman Gary Hart, a teacher who is not only a strong supporter of school finance, but the leading proponent of educational quality reforms. He has sponsored laws like the requirement of basic skills tests for high-school graduation and a school discipline bill.

However, the CTA has thrown its political clout into an effort to defeat Hart in his race for a Santa Barbara area Senate seat with GOP Assemblyman Charles Imbrecht. CTA President Marilyn Bittle says the opposition to Hart stems from what teachers feel is the adverse impact on their profession from his reform proposals. The school discipline measure, she says, does little more than increase the paperwork load for teachers with its emphasis on students' rights and the involvement of parents in the discipline process. Hart drew the CTA's fire most recently with a proposal to change the credentialing system by requiring proficiency tests and additional training for teachers.

Back into the maze

With all this as a backdrop, the Legislature will soon reconvene for 1983-84 and plunge back into the school-finance maze. Where it will lead is anybody's guess. There is general agreement that much of what happens depends on the economy. If it rebounds, the funding increases written into law last year with supposed permanency probably would be resumed.

But what happens if it doesn't? So far, there are no clear answers from the Legislature, whose preoccupation with this year's budget crisis left little time or energy for advance planning. "I'm not sure there is a lot of thoughtfulness about that going on around here," Hart said as the session ended. "There's a kind of bunker mentality, and people are just trying to get through this year." Greene added: "No one can know that now. Next year there will be a different governor, and the Legislature will be markedly changed."

There are others who have some ideas, however. One is Senate Republican floor leader Ken Maddy who says education may be forced through the reform wringer the way Medi-Cal was this year. "My feeling is that unless there's a whole lot more money available, we're going to sit down and take a hard look at education," he says. "Those who are demanding reform are going to demand to be heard."

Maddy leaves no doubt that if the GOP takes control of the Senate next year, as he hopes, its leadership will insist on talking turkey with the educational establishment, particularly the teachers' unions. "Teachers have to indicate as much concern about education as they do about their benefits before we are going to get anywhere," he says.

Few people have more ideas for educational reform than Greene and Hart, but after years of wrestling with the issue, they disagree with Maddy's contention that the time is ripe for wholesale changes. "I'm not sure the (Medi-Cal) analogy holds," Hart says. "Our Medi-Cal benefits were among the highest in the country, and we're nowhere near the top in educational spending."

Hart also believes that the Legislature is the wrong place

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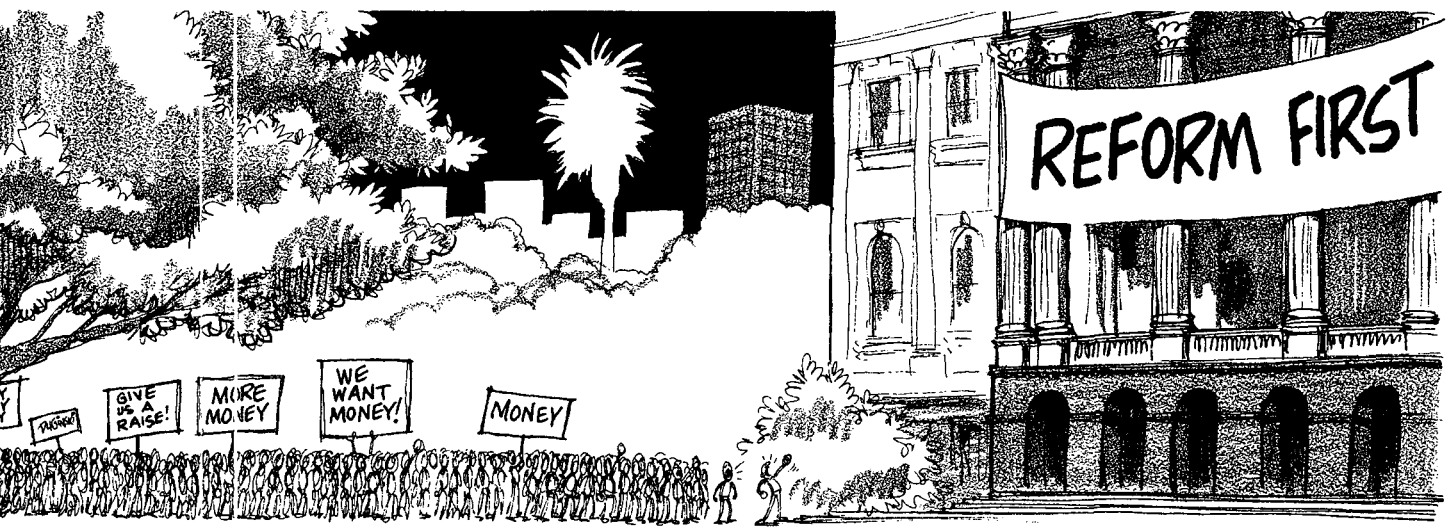

to start in seeking the kind of reforms that will do the most to restore public confidence in education. "There are a lot of things we can't control — things like the economy and Jarvis and so on — but one thing we can control is academic standards. If we don't control them at the local level, there will be more and more pressure for us to do it at the state level, and I don't think we can do as good a job."

Spokesmen for the education establishment believe that most of the demands for reform are simplistic and naive. They insist that change has been going on for the last decade in the form of categorical programs which have made a measurable difference in the achievement of elementary pupils and is beginning to show up in the high schools. "We've proven that we know how to improve the system," says Peter Birdsall, lobbyist for Citizens for Education, the broad-based coalition which speaks for the education community on school finance issues.

But the categorical programs are under attack by conservatives who consider them ineffective at best and an example of reverse discrimination against middle-class students at worst. Such programs also have become a fiscal nightmare. For some time, the Legislature has failed to fund them fully, creating an additional drain on local districts' general funds. Statewide, the deficit this year is estimated at more than $50 million, leading school districts to file a lawsuit against the state.

What is needed, educators say, is a more stable system of financing schools which will insure enough money to attract and hold good teachers when and where they are needed. They say they can hardly be expected to respond to the rapidly growing demands for beefed-up science and math programs when they can only offer $13,000 a year to a college graduate in one of those fields who can make twice that in private industry.

Yet that message is finding less and less sympathy in the Legislature, where resentment is growing at the fact that a decade of declining enrollment did nothing to slake education's appetite for money.

The Riles-Honig barometer

There is one potential barometer of the climate for reform that lawmakers will be watching closely: the race for state school superintendent between Riles and Louis (Bill) Honig. While the office itself has little real power, the contest for it is being fought out on gut issues of educational philosophy. Honig is a scrappy school administrator and former State Board of Education member who is calling for elimination of most special education programs, a "return to basics" for the entire school system and implementation of stricter academic standards. Riles has also embraced basic education, but his platform concentrates more on infusing the high schools with the kind of specially targeted programs which he says have proved successful in the elementary and junior high levels.

Another major factor may be how well local districts weather the current year's budget crisis. There are many who feel that the Legislature was able to evade the issue this year only because the session ended before classes opened and parents became aware of the deep cuts in existing programs that most districts were forced to make. They predict that this will result in heavy pressure on lawmakers to boost funding — with or without educational-quality reforms — when they reconvene next January.

There is also the possibility of "horror stories" about one or more districts going under financially and being unable to operate for the full year. The education community is well aware of the impact this could have on the politics of school finance, and most are reluctant to talk much about it for fear of appearing to relish the prospect. Not so the CTA, however, which sponsored a last-minute bill calling for school districts in such dire straits to operate full-bore until they run out of money and then shut the doors, rather than making drastic cuts and limping to the end of the term. It was not received well by lawmakers, who quickly tossed it to interim study.

The idea of an initiative to give the schools an adequate, guaranteed funding base has been raised with growing frequency since Proposition 13. So far cooler heads have prevailed, warning of the long-term political damage that could be done by a defeat. But it is becoming increasingly popular within the teachers' unions, which have the money and organization to mount a campaign, and even the cautious Riles is toying with the concept.

In terms of outside help, educators are eagerly awaiting the results of a study on jobs and education sponsored by the influential California Business Roundtable, an organization of 82 leading corporations. The study grew out of mounting concern that the school system is failing to provide the kind of training needed for the state's increasingly technical job market. Although Kaiser Aluminum Chairman Cornell C. Maier, the head of the task force which launched the study, has warned that it will not produce any panaceas, educators hope the study will at least turn the business community into a valuable new member of the school finance coalition.

Although no one yet knows just what to do about it, there is general agreement that the schools can ill afford another year or two like this one. A failure to solve the twin problems of money and public confidence could cause damage to the public education system that would take many years to repair. Educators are increasingly alarmed about the growing popularity of private schools, which already enroll more than 10 percent of the state's school-age children.

Says Hart: "If the middle class starts to abandon the public schools and they are left to immigrants and minorities, it's going to be a sad day."

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The statewide races, once over lightly

California's two major political battles of 1982 constitute a textbook study in contrasts. The United States Senate contest between Governor Jerry Brown and Mayor Pete Wilson of San Diego is a high-visibility, slam-bang affair, with sharp issue differences between the candidates and sparks flying in commercials and face-to-face confrontations between the pair. The race for governor is a relatively low-key competition between two careful candidates who differ on fewer issues and who are trying more to sell themselves than to tear down their rivals.

With the 1982 campaign season entering the period of maximum expenditure, here is how the various statewide races look:

Senate. Wilson began with a big lead, but Brown has managed to close the gap slightly by attacking Wilson's stand on Social Security and by generally putting Wilson on the defensive. The race figures to remain red-hot throughout, and the electorate probably will vote on a lesser-of-evils basis, but is that anything new in California politics?

Governor. The pollsters have found that the public is not excited about either Attorney General George Deukmejian or Mayor Tom Bradley of Los Angeles. Neither has managed to generate any campaign electricity, and the race could go all the way as a "who-cares" selection between center-of-the-spectrum contenders. Bradley was ahead in the early polls.

Lieutenant Governor. There is the potential for fireworks between Republican Carol Hallett, a conservative, and Democrat Leo McCarthy, a liberal. But it is difficult to get much voter attention for the lesser statewide offices until the fortnight before the election. The only significant news of the race was Hallett's endorsement by the California branch of the National Women's Political Caucus, the organization's withdrawal of that endorsement pending further examination of her record, and Hallett's subsequent decision not to seek the endorsement.

Secretary of State. Veteran Republican Assemblyman Gordon Duffy figures to give incumbent Democrat March Fong Eu far more than token opposition. But he still hasn't generated a high-visibility campaign, especially in the Los Angeles media market.

Controller. The California political world, except perhaps for a few GOP diehards, conceded the election to incumbent Democrat Ken Cory after perennial candidate James Flournoy won the Republican nomination.

Treasurer. Incumbent Democrat Jesse Unruh also is an assumed victor, with Republican Donald French trying for the second time to beat the former Assembly speaker. French wasn't helped by revelations that he is going through personal bankruptcy proceedings.

Attorney General. See following article.

Superintendent of Public Instruction. This is one normally dull contest that has been hot since the primary votes were counted. According to a basic law of politics, it is assumed that an incumbent will lose a non-partisan race if he or she does not win a majority of the votes in the primary. Incumbent Wilson Riles is trying to defy that rule, with the backing of the California Teachers Association and other traditional elements of the state's Education Establishment. His opponent, Louis (Bill) Honig, is calling for major reforms in the public schools and is accusing Riles of trying to solve problems simply by throwing more money at them. The two have engaged in debate, and it is obvious that there is no love lost between them. The result probably will be determined by the effectiveness of their final-days television commercial blitz. But the same might be said for quite a few races in this era of electronic politics.

Board of Equalization. The big battle is in the first district, which has marginal registration (52%D-36%R). Democrat Conway Collis probably was helped by his appointment to the post by Governor Brown following the retirement of George Reilly. But the Republican candidate, Assemblyman Bill Ivers, is reasonably well known, especially within GOP ranks. The public pays virtually no attention to Board races, so the outcome is always virtually impossible to assess, even late in the campaign.

The second district has a heavy Republican flavor (46%D-41%R), and incumbent Ernie Dronenburg should win a second term despite a close call in the primary against the unknown Jim Burton. Unlike the first district, which extends from San Francisco to Los Angeles, the second is fairly compact — with most of the voters in the Republican heartland in Orange and San Diego counties.

Outspoken liberal Bill Bennett should win another term in the third district, which is 55 percent Democratic and 32 percent Republican. The Republican candidate, Bob McCarroll of Sacramento, is an auditor for the Board and worked hard to win the primary. Bennett is known as a consumer activist, especially in the public utility field, and that won't hurt him a bit in this large Northern California district.

Veteran Democrat Richard Nevins survived a mild scare in the fourth district primary. With a 62-29 registration advantage, Nevins need not worry too much about competition from Republican Dede Audet. E.S.

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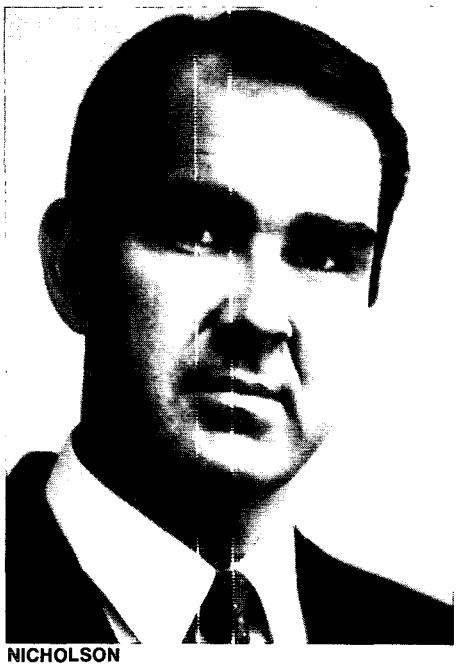
The fierce race for AG — hard-line Nick or low-key John?

By MICHELE WILLENS

The question controlling the 1982 governor's race may well be, "Can a black be elected governor in California?" and the question that may decide another contest may be, "Can a liberal be elected attorney general?"

That is the issue facing Democrat John Van de Kamp in his race against former Assistant Attorney General George Nicholson.

"This is the classic case of the liberal-versus-conservative standoff," says Nicholson's campaign consultant, Gary Huckaby. "And our surveys indicate people want someone of Nick's stature and political bent in that particular office."



NICHOLSON

No matter how often voters are reminded that the AG's office handles many other areas (such as consumer protection and environmental law) as well as crime, they prefer to view it as the home of the state's top cop. This view may be what kept a woman like Yvonne Burke from being taken seriously as a candidate for the job.

And it may spell defeat for Van de Kamp who — while not nearly as liberal as Nicholson would have voters believe — still is perceived as left of his opponent. Van de Kamp has been leading in the polls, largely because of high name identification in populous Southern California. But his closest advisers are pleading with him to break style and play tough politics. Otherwise, they say, he could wind up finishing out the two years remaining in his term as Los Angeles district attorney.

"Let's face it — you're wrong on every issue," only half-joked LA City Attorney Ira Reiner at a meeting of Van de Kamp's campaign advisers. They are fearful that if Van de Kamp fails to set the agenda in the campaign, Nicholson will.

Nicholson is focusing on Proposition 8, the Victims' Bill of Rights which he helped write and Van de Kamp opposed; the death penalty law which he helped draft and Van de Kamp opposed; the "hillside strangler" case, which Van de Kamp's office dropped and the AG's office picked up; the handgun-control initiative, which Van de Kamp supports and Nicholson opposes; and all the popular buzz-references of the political season, such as Rose Bird, Jerry Brown and the American Civil Liberties Union.

Van de Kamp, in his low-key style, is trying to keep the focus on his long career in law enforcement and on his record as district attorney of the largest prosecuting agency in the country. He emphasizes his office's crackdown on career criminals, its 90 percent conviction rate, its successful consumer-fraud unit, and his popular and successful attempt to prevent the parole of Robert Kennedy's assassin, Sirhan Sirhan.

He offers detailed explanations for his positions on all issues. But whether voters will take the time to listen in these times of simple-message politics, remains to be seen.

VAN DE KAMP

It also remains to be seen whether Nicholson's Nixonesque personality will wear well. He can be effective in brief appearances, but his personal style is perceived by many as so intense as to be intemperate. Van de Kamp is banking in part on the belief that the more voters and the media see Nicholson, the less they will like him.

On the major issues of the campaign, the two men offer clear choices. For example:

- **Proposition 8.** Nicholson was one of the authors of the initiative and defends it strongly. "It's an idea whose time has come," he says. "Its various elements are essential in putting balance back into the system. Van de Kamp has had five different positions on this. How can he say he's in the mainstream when he was against 8 and I was for it?"

Van de Kamp's position on 8 has been confusing and has contributed to the "waffling" image his opponents are promoting. "Until I announced my candidacy," he says, "I said I'd vote for it unless the Legislature could improve on it. That was seen as support of 8 by some people and reporters, while I saw it as just waiting to take a position. Then, when I saw the Legislature moving on some of the elements within it, I opposed it, since I'd always had doubts about its constitutionality.

"Most attorneys will tell you it was unartfully drawn and has heavy consequences. I have strongly supported some of the ideas in it, such as providing restitution for victims and allowing them to speak at sentencing and parole hearings.

Michele Willens is a free-lance writer in Los Angeles and a regular contributor to the Journal.

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I've supported modifications in the exclusionary rule. For some time, I've supported a constitutional amendment that would place it (the exclusionary rule on evidence) under the federal standard, subject to the Legislature's ability to add futher restrictions.

"The people who voted for 8 wanted to get a message across. But if you're going to be responsible in government, you have to be able to stand back and say, 'Hey — we need rifle shots well directed at their targets, not shotguns that are going to blow up the entire criminal justice system'."

• **Death penalty.** Early in the year, Nicholson took much credit for drafting the 1977 law re-establishing the death penalty in California — so much, in fact, that Attorney General George Deukmejian wrote a letter to Nicholson's primary opponent, Assemblyman Dave Stirling, which read: "Dear Dave: George Nicholson participated, as did many others, in the support of my 1977 Death Penalty Law. He may have suggested and drafted some amendments, but he did not write the bill." Since then Nicholson has tempered his claims of authorship, saying he was one of many persons involved in drafting the law.

Nicholson does not limit himself to telling voters that Van de Kamp opposes the death penalty; he suggests a darker dilemma for his opponent. "Van de Kamp is morally opposed to the death penalty," he says, "and yet he says he'll uphold the law. What kind of principles could someone like that have? To me, that says he'd either delegate his responsibility as AG on the issue to a faceless bureaucrat in the office, or compromise his deeply felt, moral opposition and do something he feels is wrong. I'd suggest that he be honest and say he's morally opposed and admit that as AG, he will delegate this to a member of the office."

Van de Kamp denies he has said he is "morally" opposed to the death penalty. (Nicholson campaign advisers claim they read his statement somewhere.) "I may have said I'd have moral objections if the wrong man is executed," Van de Kamp says. "I've just always had serious considerations because the evidence isn't in whether it (capital punishment) is a deterrent. But I have always upheld the law."

A man who has worked closely with Van de Kamp in the DA's office says, "People aren't aware that John worked hard behind the scenes to make sure Deukmejian's bill was a good one. Even though he had personal reservations, he said, 'As long as people want it, let's make sure it's a good one.' The LA district attorney's office also has more people on Death Row than anyone — so it's clear John is capable of vigorously enforcing the law."

• **"Hillside strangler" case.** Van de Kamp's office decided to drop the murder case against Angelo Buono, mainly because of the constantly changing testimony of his chief accuser.

Nicholson considers this a hot issue. "John Van de Kamp has never tried a murder case or a death penalty case," he says. "As a consequence, when it came time to evaluate the 'hillside strangler' one, he had no experience or intuitional framework, so he made the motion to dismiss. I told George Deukmejian we had a responsibility to try this case. We brought in independent prosecutors who determined it was not only triable, it was winnable. When you have a case of that magnitude, you don't dismiss it."

Van de Kamp's decision may have been bad politics, but he makes no apologies for it: "The top two lawyers in my office came to me with the recommendation to go forward on the non-homicide charges in the case — which George (Nicholson) conveniently ignores, by the way. But (they advised) that the homicide charge should be dropped because of the credibility of the witness. It's easy to say it's triable and winnable when you don't have to take final responsibility for it. George can play politics with it, but I as DA had to commit public funds behind it. If we'd lost it, it would have meant we never could try it again. We thought we could get a conviction on the non-homicide charges and hoped additional evidence would arise in the meantime so we could go ahead with the homicide. If anyone thinks I'm going to dismiss a murder case that is winnable, they're out of their mind."

• **Rose Bird.** Nicholson supports the campaign to unseat three Brown-appointed Supreme Court justices whose names will appear on next month's ballot. He also supports the recall of Chief Justice Rose Bird. "I don't believe the people of California want Rose Bird as chief justice," he says, "and John Van de Kamp is the principal reason she is where she is today."

Nicholson explains his reasoning this way: The California District Attorneys Association (of which he was executive director before joining the AG's office three years ago) debated in 1977 whether to take a stand on Bird's possible appointment. "I thought we should poll the board of directors — John was a member — on whether we should send the Judicial Commission a telegram opposing her appointment. John called me and said we shouldn't get into it, that he'd withdraw as a member of the association, that he'd testify against the association and that his conduct would destroy the association.

"It was through his efforts that a special meeting of the board of directors was called, and the board went neutral. In my opinion, the vote of the commission would likely have been different if law enforcement had taken a message to the people and to the commission."

Van de Kamp's response: "He's distorted the situation so much, perhaps in his own mind, that I think it raises serious doubts about his capability. The District Attorneys Association had never taken a position on judicial nominations before, and George was trying to summon up opposition. I argued, and the majority agreed, that we should be neutral, since we had no special information to help the commission make up its mind. As far as being responsible for her, I never testified — I was never in any public support situation whatsoever.

"I have some real problems with Rose Bird," Van de Kamp adds. "I'd prefer she take a more balanced view, rather than instinctively siding with the criminal over the victim. But I do not support a recall. Nicholson wants to politicize the courts and make judges responsible to the voters. I feel decisions about judges should never be based on politics, but on integrity and competency.

• **Jerry Brown.** Nicholson is also trying to link Van de Kamp closely with Governor Brown. "With his appointment of judges, he has shifted the balance even further to criminals," Nicholson says. "He hasn't put anybody in prison. And what is the relationship between Jerry Brown and John Van de Kamp? They have been very close politically. Van de Kamp campaigned for Brown on whistle stops with the most vigorous defense Brown had.

"But that doesn't come home to the business community, because Van de Kamp has tried to come off as moderate. Jerry Brown is the worst thing to happen to business, and Van de Kamp shouldn't be allowed to receive untold hundreds of thousands of dollars from that community."

Van de Kamp says he has only a "pleasant relationship" with Brown. "We're not close friends, but I've found him to be very good on crime issues. As for whistle-stopping, the DA of San Diego and I took one train ride for Brown in 1978 to announce our support. Obviously, Nicholson is trying to use Jerry Brown against me."

• **Handgun control.** Nicholson is using Proposition 15, an initiative to regulate handguns, as a means of drawing financial support as well as an issue against his opponent. "When Van de Kamp spoke to the District Attorneys Association in June, he was asked about Proposition 15,"

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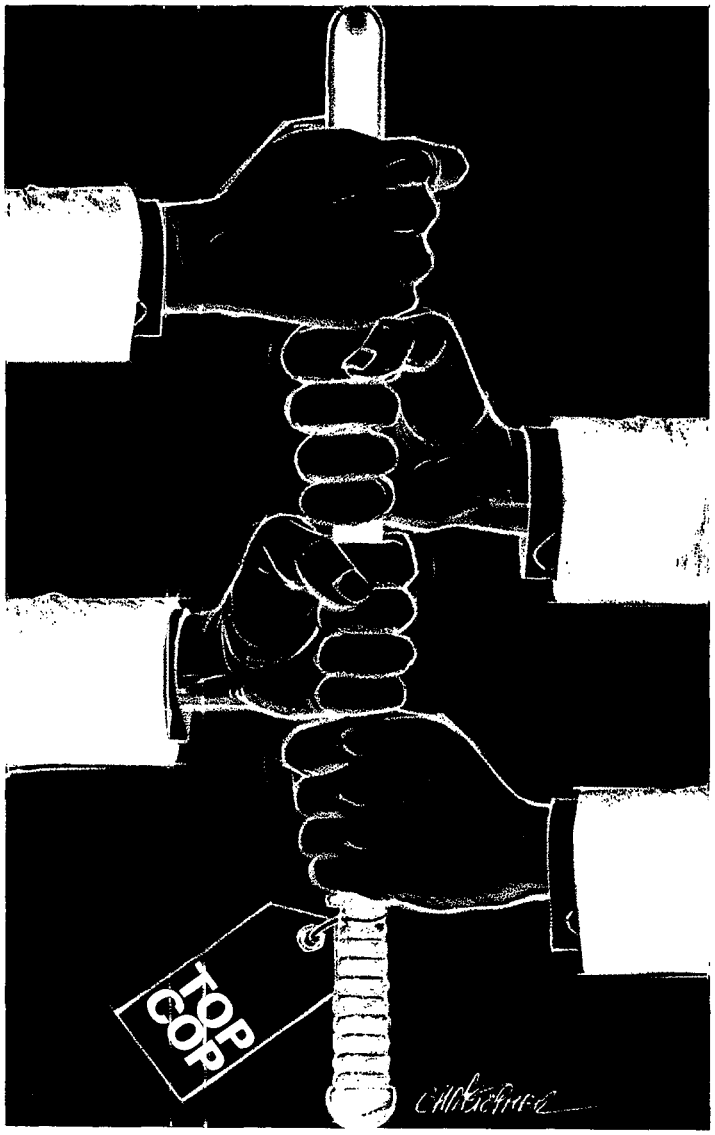

Nicholson says. "He said he was unacquainted with it and needed to read it. But it turns out he was in the nucleus of those drafting the initiative. I frankly could not believe it — I was shocked. Well, we're going to use that duplicity as an issue."

Van de Kamp denies that he was in any such nucleus, a denial backed up by Proposition 15 Director John Phillips. "What he (Nicholson) must be referring to is the technical feedback my office gave them (the initiative proponents) a year, and many drafts, ago. I told the DAs that I had not read the final version in full. Later I met with John Phillips, had all my questions answered and have endorsed it."

To the disappointment of some persons supporting Proposition 15, Van de Kamp has not been as strong on the issue as he originally indicated he might be. But his position is enough for state Senator H.L. Richardson, whose Gunowners of California may give up to $100,000 to Nicholson based on the handgun issue alone. "We have a membership of 130,000," says Richardson, "and that's 160,000 votes against Van de Kamp."

Van de Kamp's decision-making process on the handgun-control measure is typical of his style, which some observers consider too cautious and others call timid. Says one close associate in the DA's office, "Cautions? Yes, in that he's not a headstrong guy who crashes into situations. He may take his time coming to a decision, but only because he wants to do what's right. His style is not be be confrontational, but to bang away and be persuasive. He does a lot of things behind the scenes, and one of his unusual character strengths is that when he is successful, he doesn't go around crowing about it. For example, few people know he fought like crazy to help an increased sentencing bill pass the Legislature. Not only did he work a lot of legislators, he worked hard on the governor."

By contrast, Nicholson has probably never been criticized as cautious. He has been criticized, however, for referring to himself as "senior assistant attorney general," a title which is technically correct but implies that he is the closest aide to Deukmejian. One very high aide in the AG's office says, "Nick was trying to give the impression he was the top guy here, when in fact we have about 18 senior assistant attorney generals. He wasn't even one of the people who reported to Deuk. He was in charge of the crime-prevention unit, which he definitely improved. There was a lot of animosity toward him — and many found him overzealous and an ideologue."

When Van de Kamp unexpectedly won the endorsement of the conservative California Peace Officers Association, the president of that group, Foster City Police Chief John Norton, sent a letter to members asking them to voice their disapproval of the executive committee's endorsement. When asked who paid for the letter, Nicholson campaign manager Rex Hime said, "Norton's letter? It was from him, on his own." But when pressed about the campaign's participation, he checked and clarified: The Nicholson campaign had "assisted in the printing of it, because he (Norton) can't afford it."

Nicholson also charges that Van de Kamp offered jobs to members of the Police Officers executive committee in exchange for their endorsement. Van de Kamp vigorously denies that. One member of that Police Officers Association says that, despite Van de Kamp's "present or former membership in the ACLU and his opposition to the death penalty, people on the committee had had dealings with Nicholson and had been turned off."

Nicholson downplays the significance of an audit of the District Attorneys Association which cast doubts on his management policies while he was executive director. "That all ended in a puff," he says. "It amounts to nothing and was instigated by a Jerry Brown employee trying to get a judicial appointment, so I've heard — and Van de Kamp won't use it as an issue."

Van de Kamp says, on the contrary, that "mismanagement of funds is a serious issue and brings into question George's ability as an administrator."

In a heavy-spending media campaign, Nicholson is portraying his opponent as "a liberal dressed in a moderate myth." Yet Van de Kamp has often upset many liberals, particularly with his decisions not to prosecute in three controversial cases involving charges of police brutality. Carol Sobel, associate director of the ACLU, says she is amused that Nicholson keeps trying to connect Van de Kamp with the ACLU. "We've disagreed with him on lots of things," she says, "especially his unwillingness to file charges in those police-abuse cases. He is hardly in our pocket." (Van de Kamp has not been an ACLU member for five years.)

Van de Kamp's campaign tone is more subtle than Nicholson's. He has to look and sound tough and try to appear as uncomplicated as possible, while defending his opposition to several popular measures. Says one person close to Van de Kamp, "The only problem with John is that he's not a particularly good politician. He has never made the political, popular decisions just to win friends, and George Nicholson will pound the hell out of him."

Will there be a backlash to Nicholson's aggressive style? Or will voters see him as a candidate whose mood matches their own? At least they can't complain that the race for attorney general fails to offer a clear choice.

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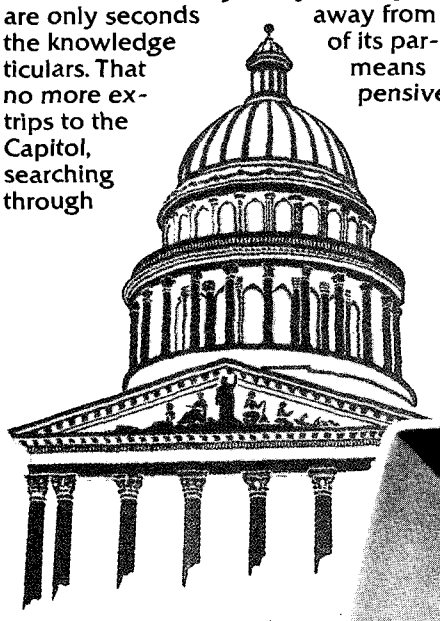

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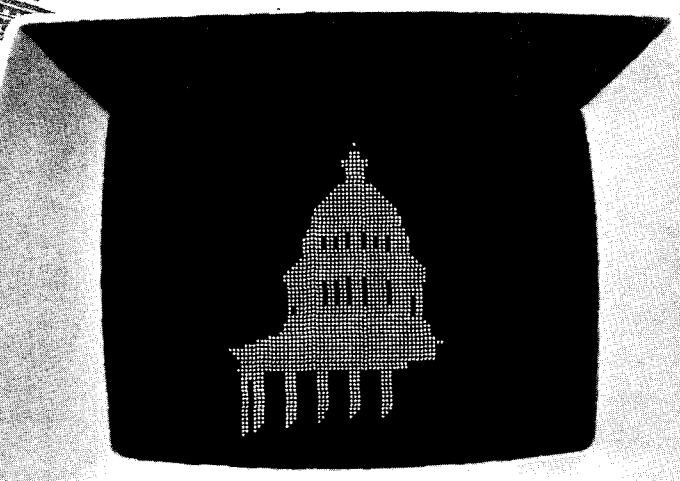

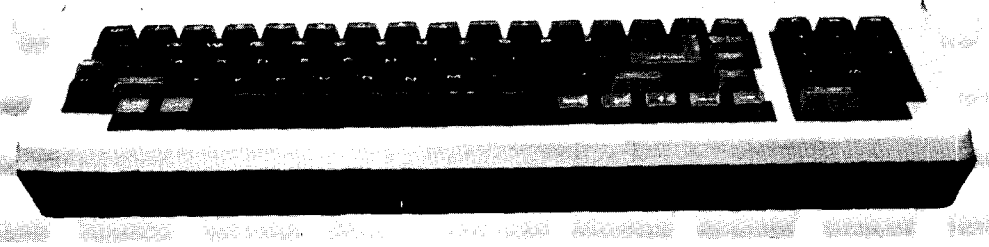

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LEGISLATIVE RACE PREVIEW:

- Robbins a top target
- No major Senate shift
- Probable GOP gain in the Assembly

By ED SALZMAN

It is within the realm of possibility that the Republicans will take control of the Legislature at this November's election — but just barely. In order to accomplish that kind of a political miracle, GOP nominees would have to capture just about every heavily contested seat in both the Senate and Assembly.

The stakes are especially high in the Senate because those candidates elected this year will serve for four years — even though new districts will be drawn for the 1984 elections. Of the 20 seats not being contested this year, the Republicans hold 11 and the Democrats 9. This is the year of opportunity for the Democrats because the party can build a solid base this year that cannot be eroded until 1986. The current Senate lineup is 23-17, and race-by-race analysis indicates that there should be little change in that lineup.

The Republicans, however, have hired hard-hitting campaign manager Allan Hoffenblum to direct their campaigns, and they are unwilling to concede a single district in which there is a decent shot at a GOP victory. To reach the magic number of 21, the GOP would have to hold all five seats now represented by Republicans and win an additional five seats either held by Democrats or created through redistricting. It is more likely that the Democrats, who drew the districts to their own advantage, will increase their majority by a seat or two.

In the Assembly, the results will be shorter-lived because all 80 members elected this year will be forced to go before the voters again in 1984 under new districts that probably will be more to the GOP's liking. The Democrats now hold a 49-31 advantage, and that margin is likely to shrink slightly. Despite reapportionment, the Republicans have opportunities to make gains — but not nearly enough to take control of the house.

The Republicans can win a majority only if they win every single seat in the battlefield zones. The best guessing is that the Democrats will have 45 or 46 seats come December. Republican incumbents are in generally good condition, with the exception of Don Rogers of Bakersfield.

Here is a brief look at the races, with emphasis on those being targeted by both parties:

SENATE

TORRID

DISTRICT 6 (58%D-30%R) — The theoretical incumbent in this district is Republican John Doolittle, who has two years left on his current term. Doolittle was forced to run in this new district with a definite Democratic flavor to keep his career alive. His opponent is veteran Assemblyman Leroy Greene, long one of the Legislature's education specialists. Doolittle is a New Right conservative, and Greene is a moderate Democrat. Based on tradition and the party registration, Greene should have the edge. But Doolittle pulled the biggest surprise of the 1980 election by defeating Democrat Albert Rodda, and he could pull another upset. Even if Doolittle loses, he will be able to finish his current term. If he wins, there would be nothing to prevent Greene from running for the remaining two years in Doolittle's term in the old Third District at a special election. In other words, when the entire election process ends, they could both hold seats in the Senate regardless of the outcome of the November election.

DISTRICT 12 (54%D-33%R) — Senator Dan O'Keefe lost his district through reapportionment, so he moved into a new district to keep his seat in the Senate. The district includes a large portion of Santa Clara County and all of Stanislaus County. It has marginal party registration. Republican O'Keefe drew as an opponent

O'KEEFE

McCORQUODALE

LOCKYER

MARGUTH

County Supervisor Dan McCorquodale of San Jose, an excellent campaigner who once ran for the Legislature from a district in San Diego County. The winner will probably be the candidate who does the best job of campaigning in the foreign grounds of Stanislaus County. O'Keefe is trying to brand his opponent as being opposed to Medfly spraying and as a liberal. O'Keefe has received some adverse publicity from staff problems in Sacramento.

DISTRICT 18 (49%D-37%R) — On paper, this coastal district should be carried by Republican Assemblyman Charles Imbrecht of Ventura. But Democratic Assemblyman Gary Hart of Santa Barbara has carried the northern portion of the district with ease and is the darling of the environmentalists in Santa Barbara. Both candidates agree that the contest will be decided in the precincts within Los Angeles County, including Malibu and Woodland Hills. Because both candidates are considered among the best members of the Assembly, this race has been labeled the "Masterpiece Theatre" of this year's political productions.

DISTRICT 32 (51%D-36%R) — This is a new marginal district in Orange County. The Democratic primary was especially bitter, and the party's nominee, attorney Frank Barbaro, is a prime GOP target. Barbaro is affiliated with Richard O'Neill, the wealthy and controversial former state chairman of the Democratic Party. The GOP nominee is Edward Royce, a conservative businessman who is no match for Barbaro in debate. The contest is expected to get nasty and personal. Barbaro may become the beneficiary of Democratic activity on behalf of Assemblyman Richard Robinson and Congressman Jerry Patterson, who represent the same general area.

HOT

DISTRICT 10 (58%D-29%R) — Under normal conditions, this district would be safely in the Democratic column. But incumbent Democrat John Holmdahl accepted a judgeship, and two members of the

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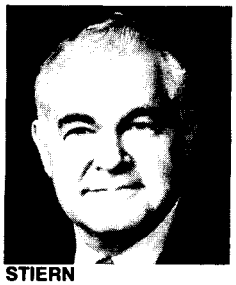
STIERN

GUTCHER

HART

IMBRECHT

Assembly are in the hunt to replace him. Democrat Bill Lockyer of San Leandro is a heavy favorite, but Gib Marguth of Livermore cannot be counted out. Marguth lost his Assembly seat by reapportionment; otherwise he would not even be trying this kind of a desperation move. Lockyer is one of the sharpest political operators in the state and he could well win by a huge margin, especially if economic conditions play a role in the outcome.

DISTRICT 16 (56%D-34%R) — Veteran Democrat Walter Stiern of Bakersfield has fought off a series of GOP challenges. He's a prime Republican target again this year even though his district was made safer for a Democrat through the inclusion of some black precincts in Pasadena. His opponent is businesswoman Ann Gutcher, who will be the beneficiary of a big hunk of money and plenty of party expertise.

SPECIAL SITUATION

DISTRICT 20 (59%D-30%R) — The Republican high command in Sacramento has designated Democrat Alan Robbins of Tarzana as its top target in this year's Senate elections. The problem for the GOP is that many Republicans in the San Fernando Valley are solidly behind Robbins, including some heavy-duty contributors. On the other hand, liberal Democrats are not especially fond of Robbins and just might vote for Republican Skip Michael, a Los Angeles police detective. The race is bound is get dirty, and Robbins rates as the favorite. But no one can tell how voters will react on election day to Robbins' highly publicized trial in which he was acquitted of sex charges.

WARM

DISTRICT 2 (55%D-30%R) — Incumbent Democrat Barry Keene of Elk has picked up Solano County through redistricting, and the Republicans are not going to let him win another term without a contest. The GOP nominee is businessman Bill Maher of Vacaville. The district favors a Democrat but not overwhelmingly. Keene is a smart campaigner who knows how to work new territory.

COOL

DISTRICT 4 (52%D-36%R) — The registration statistics in this agricultural district are marginal. And the district was supposedly made to order to incumbent Republican Jim Nielsen of Woodland. But Democratic candidate Fifi Zeff, also of Woodland, is going through the motions of a campaign. Senate leader David Roberti drew Zeff into the contest with promises that he would give her the resources to run an all-out campaign. If Zeff gets that kind of help, she could make the race reasonably close. Otherwise, it should be an easy victory for the incumbent.

COLD

DISTRICT 8 (63%D-24%R) — Democrat John Foran of San Francisco keeps coming through difficult reapportionment years unscathed.

DISTRICT 14 (54%D-36%R) — Some year, this Fresno-to-the-coast district could be in the combat zone, but not while Republican Ken Maddy is around.

DISTRICT 22 (59%D-30%R) — Assemblyman Herschel Rosenthal of Los Angeles is about to become the Senate voice of the Waxman-Berman organization.

DISTRICT 24 (69%D-21%R) — Assemblyman Art Torres won this East Los Angeles Hispanic seat by unseating Alex Garcia in a nasty Democratic primary.

DISTRICT 26 (65%D-26%R) — Incumbent Democrat Joe Montoya of North Whittier is good for another four years, but he could be hurt through redistricting.

DISTRICT 28 (73%D-18%R) — Republican Oscar Wright is running against incumbent Diane Edith Watson of Los Angeles to minimize her help to other Democrats.

DISTRICT 30 (68%D-22%R) — Democrat Ralph Dills of Gardena is becoming an institution in the Senate. He's 72 but voluntary retirement is not in the offing.

DISTRICT 34 (57%D-31%R) — Democrat Ruben Ayala of Chino, author of the Peripheral Canal bill, faces only token opposition this year.

DISTRICT 36 (50%D-38%R) — This marginal district is easy pickings for Democrat Bob Presley, who won the Republican nomination by write-in vote.

DISTRICT 38 (38%D-46%R) — This is a 100 percent safe Republican district for incumbent Bill Craven.

DISTRICT 40 (56%D-29%R) — Democrat Wadie P. Deddeh of Bonita will slide across the Capitol from the Assembly to the Senate without a sound, and he'll act like a veteran his first day in the Senate.

ASSEMBLY

TORRID

DISTRICT 2 (53%D-31%R) — Democrat Doug Bosco is abandoning this seat to run for Congress. Both nominees, Democrat Dan Hauser and Republican Jerry Partain, hail from the Arcata area. Hauser is the former mayor of the city, while Partain teaches there. Both parties think they have a winner. The district is marginally Democratic, and the outcome will be decided in the southern end of the district where neither candidate is well known.

DISTRICT 5 (53%D-34%R) — This contest is difficult to analyze because the incumbent, Jean Moorhead, was elected as a Republican and then switched parties. Her opponent, Peggy Grenz, is her one-time campaign manager. Can Moorhead retain her popularity with a different party label? The district is definitely marginal in registration. Grenz will have a full-throttle campaign in her attempt to oust a "traitor."

DISTRICT 27 (56%D-35%R) — A few months ago, it appeared that Democrat Gary Condit, a Stanislaus County supervisor, would have the field to himself and would replace Democrat John Thurman without a contest. But the Republicans qualified Kate Nyegaard for the November election by write-in, and now Condit finds himself in one of the toughest Assembly races in the state. Nyegaard is the sister of moviemaker George Lucas of *Star Wars* fame, and her write-in vote indicates that she knows how to campaign. The Democratic registration advantage means little in this agricultural district.

DISTRICT 31 (61%D-30%R) — Assemblyman Rick Lehman left this theoretically Democratic district open with his decision to run for Congress. The nominees are Republican Jo-Ann Slinkard, aide to

Guide to rankings

Torrid — These are the target districts in which heavy artillery is being employed on behalf of both the Republican and Democratic candidates. In most cases, the outcome will be in doubt throughout the campaign.

Hot — One candidate appears to have a slight advantage, but the opponent is within shooting distance and the outcome is far from a foregone conclusion.

Warm — In these districts, one candidate has a significant advantage. Nevertheless, an underdog victory is more than a remote possibility.

Cool — These districts present the best bets for upsets.

Cold — One candidate appears to be far ahead in each of these districts. Nevertheless, an 11th-hour blitz mailing could in a rare instance produce an upset if the leader sleeps throughout the campaign.

Special situations — These are races with extraordinary factors that make normal political assessment difficult.

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state Senator Ken Maddy, and Democrat Bruce Bronzan, a Fresno County supervisor. Slinkard had a difficult time winning the primary against a candidate supported by state Senator H.L. Richardson. She will need all the Republicans and plenty of Democrats on her side to beat Bronzan.

DISTRICT 33 (60%D-30%R) — The Democrats in the Assembly placed Republican Don Rogers of Bakersfield in a precarious position through artful redesign of his district. His opponent is John Means, a liberal Bakersfield city councilman. Rogers is an experienced campaigner, but can he overcome a whopping 30-point gap in party registration? No other Republican incumbent is as endangered as Rogers.

DISTRICT 65 (54%D-35%R) — Democrat Jim Cramer won this seat in a tight race with Charles Bader, former mayor of Pomona, two years ago. Republican leaders think Bader has an excellent chance of winning the rematch in this district with uncomfortable registration for a Democrat. Cramer is the former district attorney of San Bernardino County, and he is seeking a substantial victory to avoid difficult races every two years. This is one district that could be affected by voter perceptions of economic conditions.

DISTRICT 68 (55%D-33%R) — A wide-open primary produced a November contest between Republican John Stanton, a wealthy businessman, and Steve Clute, the transportation director for the city of Rialto. The seat is now held by outspoken Democrat Walter Ingalls, who is retiring from the Legislature. The registration edge goes to Clute, who ran stronger than expected in the primary. But Stanton has proved he can raise big bucks for an aggressive campaign. Clute will benefit from some anti-Stanton feeling among backers of his main June opponent, Judy Field.

DISTRICT 71 (51%D-37%R) — Democrat Chet Wray won the first two rounds of his never-ending matchup with conservative Republican Doris Allen. The races are always close, and Wray was not helped significantly by reapportionment. If nothing else, the law of averages is on Allen's side this time. Wray usually gets solid backing from organized labor and the Democratic leadership in Sacramento.

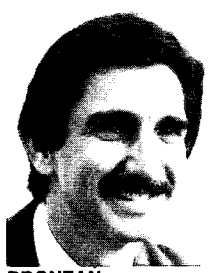
DISTRICT 78 (47%D-36%R) — The registration statistics are misleading in this district, which has been represented for many years by Democrat Larry Kapiloff. There is a large decline-to-state registration, which usually goes to the Democrat. Adman Jerry Baker is the Republican hope to reverse the trend in this area, but the Democrats have come up with the ideal candidate to succeed Kapiloff — Vice Mayor Lucy Killea of San Diego.

DISTRICT 80 (54%D-33%R) — Senator-to-be Wadie Deddeh used to carry this border district with ease despite a not-so-solid Democratic registration. Deddeh believes that his former assistant, Steve Peace, can hold the district for the Democrats. Businessman Don Perry of Chula Vista was something of a surprise winner of the GOP primary, but the Republican leadership in Sacramento thinks he can win the seat. Perry may be helped by a write-in campaign on behalf of Fernando Sanga, who lost to Peace in the Democratic primary.

HOT

DISTRICT 9 (48%D-35%R) — This Marin County district, which once elected a Democrat, was left unchanged through reapportionment. The incumbent is Dr. Bill Filante, a moderate Republican who ran a strong re-election race two years ago. He has an aggressive opponent in Paul Chignell, a San Francisco police inspector who is a favorite among Democratic Party leaders. The big question is whether the high-income voters of marvelous Marin will support a San Francisco cop.

DISTRICT 38 (46%D-44%R) — The registration would indicate that this race belongs in the cold category and that incumbent Marian La Follette can glide to another term. So much for numbers. La Follette ought to win, but she will have to work plenty hard to keep her seat. Two years ago, she barely defeated hard-charging Steve Afriat, and the Democrat has never stopped working the precincts of the San Fernando Valley. Reapportionment added Republicans to the district, but Afriat claims the new territory is definitely to his liking.


BRONZAN

SLINKARD

ROGERS

MEANS

SPECIAL SITUATION

DISTRICT 44 (58%D-30%R) — This is the district which features Tom Hayden as the Democratic candidate. Need more be said to explain why the race belongs in a special category? His opponent, businessman Bill Hawkins, is almost irrelevant. Most voters will be cast for or against Hayden. If the controversial husband of Jane Fonda can keep enough Democrats in line, he will win. In normal times, the Republican candidate wouldn't have a chance. The incumbent, Mel Levine, is headed for Congress.

WARM

DISTRICT 6 (57%D-31%R) — Republican Bill Green has two major problems in trying to win this Sacramento seat long held by Democrat Leroy Greene, who is running for the Senate: The registration decidedly favors a Democrat, and his opponent is City Councilman Lloyd Connelly of Sacramento, perhaps the city's best campaigner. Green will have the support of the Bill Richardson organization, but Connelly figures to win.

DISTRICT 7 (53%D-35%R) — Incumbent Democrat Norman Waters of Plymouth has a long success record in the valley-foothill district east of Sacramento. Steve Bailey, his opponent this year, knows the political business. He is a former legislative aide, and he is the son-in-law of former GOP state Senator John Briggs. Waters is the favorite, but the district can be won by a Republican.

DISTRICT 10 (59%D-31%R) — Mayor Phil Isenberg of Sacramento is the issue in this strange district that runs from Sacramento to Contra Costa County. Was the district created for Isenberg by his former boss, Assembly Speaker Willie Brown? Is Isenberg too liberal for that district? Republican Ingrid Azvedo, long a GOP hand, will shout an affirmative answer to both questions. But Isenberg looked strong in June, and the district is very heavily Democratic. An Azvedo victory would be an upset.

DISTRICT 25 (55%D-33%R) — This new district looked a few months ago as though any of several candidates could claim the seat. But out of Los Banos rode farmer Rusty Areias on the Pacheco Pass trail, and all the opposition seemed to fall by the wayside. Areias won in all sections of the district, including Santa Clara and Monterey counties. He is a charismatic young politician who bears watching. Ed Norris of Salinas, a former county supervisor, was expected to be a strong contender. But Republicans almost gave up hope after watching Areias wipe out the field in the primary.

COOL

DISTRICT 3 (47%D-39%R) — Only the presence of an able Democratic contender, former UCLA student-body president Larry Miles of Yuba City makes this district worth watching. It looks quite Republican, and the GOP incumbent, Wally Herger, is a hard worker.

DISTRICT 14 (63%D-25%R) — It is something of a mystery why the Republicans are making more than a token effort on behalf of community college trustee Ann Duncan in this district. The incumbent, Bill Lockyer, is running for the Senate, and he is solidly behind Councilman Johan Klehs of San Leandro to replace him. The district is highly Democratic and has been hurt severely by the closure of automobile plants in Southern Alameda County.

DISTRICT 24 (55%D-31%R) — Because the Democratic registration is not especially strong in this district, the GOP had planned an attack on incumbent Dom Cortese of San Jose. But the Republicans decided to shift their money elsewhere after evaluating the chances of GOP nominee Jack Sandoval.

DISTRICT 26 (58%D-32%R) — Former Republican Assemblyman Doug Carter is trying for what seems like the hundredth time to win back the seat he once held. Democrat Pat Johnston won in a contested recount two years ago and he is a favorite to

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repeat because Carter is viewed as a kook by some Republicans. That's in part because Carter insists on doing what he feels is right even if it runs against the grain of party leaders. Johnston is viewed as the most able assemblyman the Stockton area has had in many years.

DISTRICT 28 (50%D-32%R) — Despite the apparently weak Democratic registration, the Republican leadership is not making this district a top target. That's partly because the Santa Cruz part of the district is very liberal. Incumbent Democrat Sam Farr should win comfortably, but his opponent, Pebble Beach artist James Peter Cost, could make the race reasonably close if he makes enough trips to the bank.

DISTRICT 32 (48%D-43%R) — This Fresno-Tulare district has a definite Republican coloration, and that should be enough to elect Bill Jones as a successor to Gordon Duffy, who is running for secretary of state. The race would be ice cold had the Democrats not nominated Clyde Gould, a popular county supervisor from Exeter.

DISTRICT 35 (50%D-34%R) — This is a marginal Santa Barbara district now represented by Senate-candidate Gary Hart. Brooks Firestone, a vintner from a wealthy Republican family, is a heavy favorite. The Democratic nominee, legislative staffer Jack O'Connell, is making an effort to keep the seat for his party, but he faces a difficult uphill struggle.

DISTRICT 36 (43%D-44%R) — There is more activity in this district than logic would indicate. The district, represented by Senate-candidate Charles Imbrecht, is quite Republican. But former Ventura Mayor Harriett Henson, wife of a judge who formerly represented the area in the Assembly, is more than the average Democratic candidate. The GOP nominee, who should win, is Tom McClintock, young aide to state Senator Ed Davis.

DISTRICT 37 (45%D-44%R) — Republican Cathie Wright has become embroiled in some controversies in her district, but the Republican climate in the area will carry her through.

DISTRICT 40 (59%D-31%R) — Democrat Tom Bane of Van Nuys always wins by a large margin, but Republicans keep applying the pressure. The GOP candidate, Marvin Shinkman, sends out plenty of press releases, but that isn't nearly enough against an old pro like Bane.

DISTRICT 43 (56%D-34%R) — The central figure in this district is Gray Davis, former chief of staff to Governor Brown. The district is heavily Jewish and is now represented by Howard Berman, who is headed for Congress. The Republicans seem to think that Davis is vulnerable because of his connection with Brown. But the district is normally loyal to the Democrats, and GOP nominee Ray Sollenberger cannot be expected to win. The GOP is trying to make an issue of Davis' huge campaign war chest, much of which has been given to other candidates.

DISTRICT 66 (59%D-29%R) — The Republican leadership in Sacramento would dearly love to make Democrat Terry Goggin worry. That's one reason why the GOP qualified a candidate for November, Albert E. Miller, by write-in vote. The district is plenty Democratic, but at least Goggin will have to campaign. Goggin is under fire from the state Fair Political Practices Commission.

COLD

DISTRICT 1 (53%D-37%R) — Republican Stan Statham of Oak Run is warming up for a run at the state Senate. If he leaves, the district could go either way.

DISTRICT 4 (58%D-28%R) — Democrat Tom Hannigan of Fairfield has a solid grip on his Solano-Yolo district.

DISTRICT 8 (51%D-38%R) — Feminist opposition won't deter Republican Don Sebastiani of the Sonoma wine family from continuing his attempt at a climb up the political ladder.

DISTRICT 11 (65%D-24%R) — This western Contra Costa district is so Democratic that incumbent Bob Campbell has no GOP opponent.

DISTRICT 12 (59%D-24%R) — Liberal Democrat Tom Bates blew away a Democratic opponent in the primary and now has an easy ride in November.

DISTRICT 13 (70%D-17%R) — Incumbent Elihu Harris enjoys the safety of the most Democratic seat in the East Bay.

DISTRICT 15 (39%D-49%R) — The reapportionment strategists put a maximum number of Republicans in this district for Bill Baker of Danville.

DISTRICT 16 (66%D-16%R) — This San Francisco district is all Democratic, and the big question is what Art Agnos will seek next.

DISTRICT 17 (60%D-22%R) — This is the domain of Speaker Willie Brown.

DISTRICT 18 (57%D-28%R) — Even the cultured Boston accent of Milpitas Mayor

AVAILABLE THIS MONTH

The second edition of

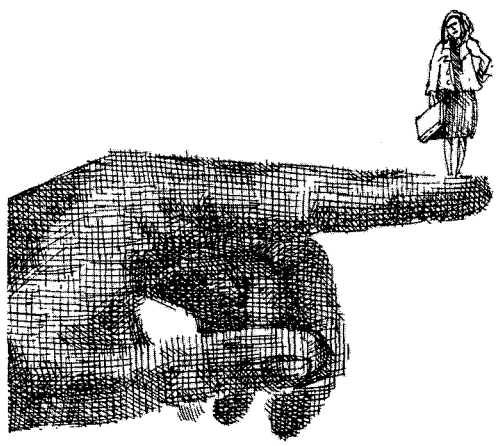
California Public Administration

by T. Anthony Quinn and Ed Salzman

California Public Administration, first published four years ago, has become a basic resource for students of California's system of government and for individuals who want to learn about the inner workings of the state bureaucracy. This second edition contains a large new section on the California tax revolt and the impact of Proposition 13. Sections are included on the top executives, the regulatory agencies, the Legislature, the judicial system, education and the bureaucracy. The administrative agencies are covered from three angles — those which provide direct public services, those which establish or implement public policy, and those which are essentially internal organs of government.

The 112-page, large-format book also contains diagrams showing the legislative process, the court system and the state's administrative agencies.

Although this book is designed primarily for classroom use by students of public administration, it will also be a useful tool for anyone seeking to understand how state government works.



The price: $5.25, including tax. Copies may be ordered now from the *California Journal Press*, 1714 Capitol Ave., Sacramento 95814. Postage and handling are free on prepaid, Visa or MasterCard orders only.

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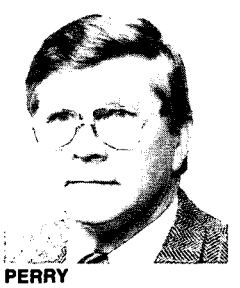
CLUTE

STANTON

PEACE


PERRY

Primo McHugh wasn't enough to threaten conservative Democrat Alister McAlister of Fremont in June. November will be even easier, in part because McAlister is the GOP's favorite Democrat.

DISTRICT 19 (62%D-26%R) — Republican Les Kelting will make his presence known, but Democrat Lou Papan will get most of the votes and will be able to keep his tough-guy image intact.

DISTRICT 20 (45%D-43%R) — Classy Republican leader Bob Naylor of Menlo Park need not worry about re-election, only a threat from the right within his own caucus.

DISTRICT 21 (51%D-32%R) — Freshman Democrat Byron Sher of Palo Alto is expected to run far ahead of registration.

DISTRICT 22 (42%D-43%R) — Democratic write-in nominee Marge Sutton is running an active campaign, but the district is Republican enough to re-elect freshman Ernie Konnyu.

DISTRICT 23 (60%D-25%R) — This year, veteran Democrat John Vasconcellos was taken off the GOP prime hit list. He's proven that supposed voter disaffection with his humanistic activities is a myth.

DISTRICT 29 (43%D-44%R) — Eric Seastrand of Salinas has been seeking office for many years, and now Republican Carol Hallett is handing him her seat the easy way.

DISTRICT 30 (62%D-28%R) — Democrat Jim Costa of Fresno has no opponent.

DISTRICT 34 (46%D-42%R) — Ditto Republican Phil Wyman of Tehachapi.

DISTRICT 39 (60%D-30%R) — Hard-working Democrat Richard Katz of Sepulveda is close to the Waxman-Berman organization and worth watching.

DISTRICT 41 (41%D-50%R) — Conservative Republican Pat Nolan of Glendale has no opponent.

DISTRICT 42 (40%D-52%R) — Conservative Democrat Dick Mountjoy of Monrovia might as well not have an opponent.

DISTRICT 45 (60%D-29%R) — Democrat Burt Margolin, assistant to Congressman Henry Waxman, won this seat — being abandoned by Herschel Rosenthal — in a ferocious primary against Wallace Albertson.

DISTRICT 46 (56%D-30%R) — Democratic floor leader Mike Roos has a quiet but safe Los Angeles district.

DISTRICT 47 (83%D-10%R) — Teresa Hughes, dean of women in the Legislature, represents the first of several safe Democratic districts that are overwhelmingly black.

DISTRICT 48 (84%D-10%R) — Maxine Waters is alone on the ballot.

DISTRICT 49 (72%D-18%R) — The repeat winner here is Gwen Moore.

DISTRICT 50 (76%D-16%R) — Curtis Tucker of Inglewood shows no indication that he is ready to retire.

DISTRICT 51 (43%D-36%R) — Republican Gerald Felando won this seat in the primary by outcampaigning colleague Marilyn Ryan.

DISTRICT 52 (47%D-43%R) — Frank Hill of Whittier, aide to an outgoing congressman, won a wide-open primary for the seat being vacated by Dave Stirling. Now Hill can coast through November.

DISTRICT 53 (64%D-25%R) — Democrat Dick Floyd of Hawthorne won a tough battle two years ago, now can breathe easier.

DISTRICT 54 (68%D-24%R) — Frank Vicencia of Bellflower has a somewhat different district, but it is still safe for a Democrat.

DISTRICT 55 (68%D-22%R) — Democrat Richard Alatorre is still waiting for a congressional seat.

DISTRICT 56 (79%D-12%R) — With Art Torres headed for the Senate, the key race, won by Gloria Molina, was in June.

DISTRICT 57 (65%D-25%R) — Dave Elder has the Democratic part of Long Beach.

DISTRICT 58 (45%D-43%R) — Dennis Brown has the Republican sections of Long Beach and environs.

DISTRICT 59 (65%D-26%R) — Charles Calderon, an ally of Richard Alatorre, won this seat in the primary. The Republican doesn't have a chance in November.

DISTRICT 60 (64%D-27%R) — Democrat Sally Tanner remains strong in her heavily Hispanic district.

DISTRICT 61 (42%D-47%R) — Republican Bill Leonard of Loma Linda has no problems in his district.

DISTRICT 62 (46%D-45%R) — Veteran Republican Bill Lancaster has an easy ride this year.

DISTRICT 63 (62%D-30%R) — Democrat Bruce Young won the GOP nomination by write-in.

DISTRICT 64 (42%D-47%R) — Would-be leader Ross Johnson has no opponent in his Orange County GOP stronghold.

DISTRICT 67 (36%D-52%R) — The registration statistics tell the story. John Lewis of Orange will win big.

DISTRICT 69 (40%D-45%R) — Only the GOP primary was a problem for freshman Nolan Frizzelle.

DISTRICT 70 (30%D-58%R) — Marian Bergeson of Newport Beach has the most Republican district in the state.

DISTRICT 72 (52%D-34%R) — The registration statistics might be marginal, but Democratic wheeler-dealer Dick Robinson has no re-election worries.

DISTRICT 73 (46%D-44%R) — The winds blow warm for Republican David Kelley in the Mojave desert.

DISTRICT 74 (35%D-51%R) — Republican Bob Frazee is unopposed.

DISTRICT 75 (38%D-44%R) — Former Del Mar Mayor Dick Roe will run an interesting campaign, but Republican Sunny Mojonnier won all the roses in the primary.

DISTRICT 76 (37%D-49%R) — Businessman Bill Bradley of Escondido is headed for Sacramento on the strength of his GOP primary triumph.

DISTRICT 77 (42%D-43%R) — Republican Larry Stirling is unopposed.

DISTRICT 79 (60%D-25%R) — Democrat Peter Chacon has the only safe Democratic seat in San Diego County.

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California's Handgun Control Initiative can set the stage for success or failure of national legislation. A look at the NRA and Handgun Control, Inc. in Washington; women learning to shoot; a gun store owner; and interviews with Mayor Dianne Feinstein, Senator H.L. Richardson and initiative proponents.

San Francisco	KQED-9,	Sun. Oct. 31,	5:00 PM
Los Angeles	KCET-28,	Sat. Oct. 30,	5:30 PM
	KLCS-58,	Fri. Oct. 15,	6:00 PM
San Diego	KPBS-15,	Thurs. Oct. 14,	6:30 PM
		Sat. Oct. 16,	4:30 PM
Huntington Beach	KOCE-50,	Fri. Oct. 15,	10:30 PM
San Bernardino	KVCR-24,	Tues. Oct. 14,	9:30 PM
San Jose	KTEH-54,	Fri. Oct. 22,	11:30 PM
Eureka	KEET-13,	Sun. Oct. 31,	4:30 PM
Sacramento	KVIE-6,	Sun. Oct. 17,	12:30 PM

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A pair of role reversals in the shadow of the Capitol dome

By ED MENDEL

Not too many years ago, the capital city of Sacramento was considered strictly Democratic territory in legislative races. But the Republicans have come a long way, baby. This year, the Sacramento area has several races that could go either way. In the two hottest contests, one of the incumbents is a Republican and the other is a former Republican.

In this year of role reversals, the 64-year-old dean of the Assembly is pitted against a 31-year old Senate freshman. But it is the latter, Senator John Doolittle, who is trying to stave off a challenge from Assemblyman Leroy Greene.

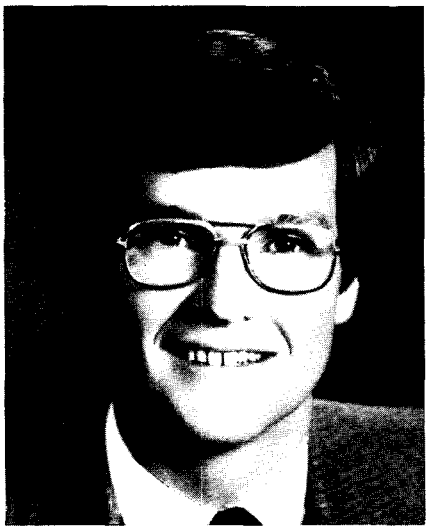
Assemblywoman Jean Moorhead faces Republican real estate agent Peggy Grenz, who served on the Moorhead campaign steering committee in 1978 and 1980. One of the Grenz campaign consultants is Frank Schubert, a former Moorhead administrative assistant. Another former Moorhead administrative assistant, Dick Swayne, worked on the early stages of the Grenz campaign.

They are calling these races grudge matches. Doolittle defeated Albert Rodda two years ago — a triumph of the conservative Republican faction led by state Senator H. L. Richardson that was most nettlesome to Democrats. And Republicans regard Moorhead, who switched to the Democratic Party in February 1981, as a turncoat.

In addition to involving party honor, the outcome of the races could be important for nose-counts in both houses. All four candidates' campaigns expect big money from outside the districts. Doolittle and Greene have both been talking about spending $500,000. Figures mentioned in the Assembly race have been more modest. But, said a Grenz aide, "We will raise and spend what it takes to win."

Ed Mendel is a Capitol bureau reporter for the Sacramento Union.

The races also could say something about Sacramento. Party registration in the districts, as in the county as a whole, is heavily Democratic. The 6th Senate District is 57.6 percent Democrat, 30.8 percent Republican. The 5th Assembly District is 53.2 percent Democrat, 34.4 percent Republican.



DOOLITTLE

GREENE

But Republicans think the wind is blowing their way.

"In a way I welcome the opportunity to run against Greene," says Doolittle, "because Greene is a recognized political figure in this community. I think it will be important to defeat him, for the message that will send. If the message we sent with Moorhead-versus-Franklin or Nielsen-versus-Dunlap or Doolittle-versus-Rodda wasn't strong enough, I think a Doolittle victory over Leroy Greene will clearly send the message that Sacramento has changed."

Moorhead, then a Republican, won office in 1978 by defeating Democrat Ben Franklin in a contest for an open seat. In the same year, Republican Jim Nielsen ousted incumbent John Dunlap in the 4th Senate District, which included part of downtown Sacramento. Greene, however, thinks the 1980 elections were more significant. That was the year Doolittle defeated Rodda and Moorhead easily fought off a well-financed challenge from a Democratic Sacramento County supervisor, Ted Sheedy.

"I really don't know that I see anything that would suggest a clearcut signal as to the county particularly shifting," says Greene. "But I would say that if it did (in 1980), it would probably relate pretty much to the Reagan landslide. And I would suggest that if there was a rose, the bloom has left the rose by now."

Shuffling the numbers

Doolittle is running again this year because of a shuffle of district numbers in the new Senate reapportionment plan that will, among other things, give Sacramento two senators in 1983 and 1984. Half of the 40 Senate seats are up for election every two years, depending on whether they are odd- or even-numbered. This year it's the even seats, and reapportionment changed the number of the Doolittle district from 3 to 6.

If Doolittle loses to Greene this fall, he can still serve out the remainder of the four-year term to which he was elected in 1980 — something he has already said he will do. But if he wins, there will be a special election to fill the

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remaining two years of his old term. Greene has declined to say whether he would be interested in that dead-end seat.

With the new number, reapportionment gave Doolittle a slightly different district, one pushed into the Democratic strongholds of the city of Sacramento. About a fifth of the voters are new. If Doolittle feels picked upon, he should. The reapportionment plan drawn by the Democratic majority in the Senate was aimed directly at the Richardson Republicans.

Doolittle, after spending two years in Argentina as a Mormon missionary and later graduating from law school in Sacramento, joined Richardson's staff in 1979. According to a widespread story, Doolittle was absent one day as the staff discussed potential opponents for Rodda, a 22-year veteran generally regarded as untouchable. Because Doolittle was not there to say otherwise, he got the job, leaving some who passed up the opportunity to kick themselves after the November election. Doolittle, however, says the story is apocryphal.

Funded almost entirely by various Richardson organizations and getting a strong volunteer door-to-door effort from many fellow Mormons, Doolittle defeated Rodda 125,215 to 117,229. One bizarre explanation offered at the time was that a significant number of voters had confused Senator Al Rodda with Senator Alan Robbins, who was then facing sex charges in Sacramento. Rodda, who said he never before had a serious challenge, conducted a typically moderate campaign. Meanwhile, Doolittle sent out questionable last-minute mailers and hammered away at the crime issue.

Not surprisingly, Greene has adopted a strong anti-crime stance. He pushed through legislation to reduce the number of out-of-county parolees released in Sacramento. He conducted more than 30 home-safety meetings last year, detailing protection measures and offering an opportunity to set up neighborhood watches. He even matched the first $500 raised by the Guardian Angels when the patrol group organized a Sacramento chapter. Unlike Doolittle, however, Greene supports neither the "Victims' Bill of Rights" nor the recall of state Supreme Court Justice Rose Bird.

Both candidates received nicks and scratches in the June primary — a blindside jolt to Doolittle because he was unopposed. His problem arose in the scramble for Greene's old Assembly seat. Doolittle was caught between two Republicans: Stan Nielsen, a fellow Mormon, and W. S. (Bill) Green, who was backed by Richardson. Doolittle tried to remain neutral as the hard-fought campaign deteriorated into death threats and vandalism at the homes of the candidates. But last-minute charges by a Doolittle aide, who said he was acting as a party official, were denounced as foul play by the losing Nielsen camp. After the election, Nielsen's campaign manager organized "Republicans for Greene."

GRENZ

MOORHEAD

Greene was roughed up by a smooth Democratic challenger, John Newman, who has a law degree from Harvard University. "I'm running because I don't think an old politician like Leroy Greene can win against a young politician like Doolittle," said Newman. He also argued that Greene is not well-liked and has not done well in recent races. (Greene fought off two strong primary challenges from Democrat Joan Reiss — 31,313 to 23,760 in June 1978 and then by a wider margin, 37,432 to 20,316, in June 1980.) Republican Dan Benvenuti did better against Greene than most expected in November 1980, losing 62,998 to 49,617.

The non-mailer

The Greene-Doolittle campaign got off to a strange start when a proposed mailer circulating in the Greene camp was leaked to Doolittle. The mailer, which Greene says was never sent out, became a public issue when portions were printed in a newspaper. In a "biography" of both candidates, there is an impressive list of Greene's legislative accomplishments and his posts in the engineering profession. As for Doolittle, the mailer makes three references to his Mormonism, links him with the "ultra-conservative block (sic) in the state Senate," describes him as "a philosophical bedfellow" of Senator John Schmitz of Newport Beach, and goes on to repeat anti-Jewish and anti-Israel quotes from Schmitz.

"I think what he is trying to do is make me the issue," says Doolittle. He says he has differed with Richardson on about 400 roll call votes and has been a supporter of Israel. "I guess he thinks that being a Mormon is negative somehow, and he is going to try to play up to that," Doolittle adds. Greene insists that the mailer is accurate. "If there is something that's objectionable about saying he is a devout Mormon," Greene says, "okay, I'm sorry about it. I can confess to you that I'm not a very devout Jew. If he wants that, he can use it."

One issue Doolittle will try to use — in addition to the predictable areas of crime and taxing and spending — is education. Greene has a long record in the area and is a former chairman of the Assembly Education Committee. Doolittle thinks local educators are unhappy because suburban school districts do not fare as well as urban districts under some of the funding formulas Greene helped devise. He hopes that will translate into a few surprising endorsements. "My reply is that if you (suburban educators) would take a look at the statewide test results," says Greene, "you would count your blessings instead of your dollars." Furthermore, he said, the tilt has been toward suburban districts on some state construction loans.

As the two men discuss their race, Doolittle often sounds like the challenger and Greene the incumbent. Doolittle talks about finding the key issues, organizing a grass-roots volunteer effort and attacking his opponent's record and lackluster personality. Greene sometimes describes his effort as a holding action. "The question is, can he get Democrats to cross over?" asks Greene. "Can he get

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any blacks or browns or Asiatics to cross over? Is there a reason that they would vote for him? If not, the ballgame is over."

Assemblywoman Moorhead, on the other hand, does not discuss her constituents in terms of sharp political lines. She was first elected as a Republican in 1978 in a district that was 62 percent Democratic. In fact, she says, one of the things that prompted her to run was the spectacle of 13 Democrats lining up for an open seat that was supposed to be Republican-proof. "I think the voters, by and large, are not partisan," she says, "and I think we have seen that in this area."

Reapportionment has given her a chance to test her convictions. To help make room for a new Sacramento seat, part of her district was pushed into Placer County. She asked that it be pushed on up to Auburn, a Republican area where she once worked as a public health nurse. Some of her children still live there.

"I now have a lovely 53 percent district," Moorhead says. "That's fine with me, because I really think the best candidate should win. But from a strictly partisan basis, it was a dumb move. Now those who say you changed because you have this cushy district and everything — 53 percent is a very marginal seat. To me, either party can win, and that's what I set out to do."

There is a hint of "take-your-best-shot" defiance when Moorhead talks about Republicans. She still resents the GOP efforts two years ago to censure her, to form a committee to discipline her and to adopt a unit rule to force party members to vote with the majority. Her trouble began when she did a commercial on behalf of a Democratic assemblyman, Lou Papan of Millbrae, who was a prime Republican target in the November 1980 election.

Moorhead first met Papan on a trip to San Mateo to address a nurses' meeting. She said she learned then that both Papan's wife and son were hospitalized with serious, long-term illnesses. "This man was being run ragged," she says, "and the Republicans were on the attack." She made the commercial. "I just have never been in politics, so I am not partisan," she admits. "I am much more people-oriented, and I guess that's why I chose nursing as a profession."

Moorhead is still bitter about the incident. "I have learned a lot," she says. "I have learned that friendship is about a blink long in politics." After she announced her move to the Democratic Party, an influential Republican immediately called and vowed to back a candidate against her. She says she can recall when her former aides and campaign staff, now in the Grenz camp, told her they would never do anything to hurt her. And she has heard rumors that the campaign against her will argue: "We couldn't trust her. Why should you?"

Issues or revenge?

Grenz, however, says her campaign will be "hopefully high-visibility and very positive. We will be running on the issues, mainly jobs and crime." People have been talking to her about running for office for four years, says Grenz, and she finally made the decision last November. Schubert, who resigned as Moorhead's top aide the day she announced her switch, says, "This is not a revenge match. I just happen to think Peggy will make an outstanding legislator." He says he got involved in the race because Grenz was looking for someone who knew the district.

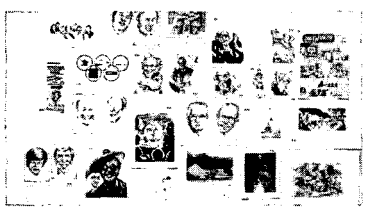
With a Sacramento "who's who" list of contributors, Grenz jumped out to an early fund-raising lead. Moorhead recalls that it was Grenz who helped introduce her to the higher GOP circles. Grenz operates a real estate firm under her name, employing about six agents. Her husband operates a construction firm under his name. She is the immediate past president of the Sacramento Board of Realtors and has a long history of activity in Sacramento civic and social clubs. But knowing she lacks name identification among voters, she has been campaigning full time, even though unopposed in the primary.

Grenz likes to talk about the record — hers as a businesswoman with 25 years of experience meeting payrolls, Moorhead's as a legislator who voted for several tax increases and a plant closure measure. As an example of government meddling in private enterprise, Grenz cites a Moorhead credit-limit bill that would cause large companies the expense of reprogramming computers. But when it comes to taking care of business, Grenz will have no monopoly on the discussion. "We have polled all along," says Moorhead. "It used to be that crime, taxes and education, in that order, were the big three in the district. Now it's the economy, unemployment and crime."

Grenz can point to Moorhead's lack of support for the "Victims' Bill of Rights." But Moorhead has introduced bills dealing with jails, parolees and restitution for victims of domestic violence. Indeed, the centerpiece of her legislative career is a new law that stiffens penalties for drunken driving. The bill was the result of a nationally publicized crusade by a constituent, Candy Lightner, who organized Mothers Against Drunk Drivers (MADD) after her daughter was killed by an auto driven by a repeat drunk driver.

Needless to say, the debate over the Moorhead record goes beyond the standard issues. "It's pretty clear she is not the same person she once was," says Schubert. After she changed parties, he says, her record of support for bills backed by the California Chamber of Commerce dropped from 89 percent to 27 percent, and her support of bills backed by the California Manufacturers Association dropped from 75 percent to 14 percent. "In two years you cast about 8,000 votes," counters Moorhead. "It makes interesting rhetoric to pick out five or 10 bills and say, 'Here is this tremendous trend.'"

What the party switch will mean to voters is not clear. Grenz says one consequence is support from some Democrats for her campaign. She has a list of Democratic supporters, starting with her campaign chairman. "They don't like the way she has handled herself," says Grenz. "They don't feel they can trust her." Moorhead responds she has a list of Republican supporters. She also suspects that the Grenz campaign has helped itself to her old Democrats-for-Moorhead list.



Art for sale

The reception area of the California Journal office in Sacramento has been turned into an art mart.

The original drawings of many of the illustrations that have appeared in the Journal are for sale at reasonable prices, some as low as one dollar.

Browsers are welcome between 9 and 5 every weekday.

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Political mayhem on the streets of San Francisco

By MARSHALL KILDUFF

Since 1964 the biennial rite of returning San Francisco Democrat Phillip Burton to Congress has followed the same old script. Republican leaders would put up a *nebbish* opponent, run for cover and wait for Burton to obliterate the hapless loser by a two-to-one margin.

This year that tradition will fall in a political blood bath that would make Machiavelli wince. Revenge, riches and hordes of true believers will figure in a nasty battle pitting Burton against Republican state Senator Milton Marks. Liberal-voting Marks is so popular that in 1980 he ran with the public endorsement of a number of Democratic leaders and was listed as the nominee of both parties on the ballot.

The surprising fact is that Burton is actually vulnerable. Long considered one of Washington's most powerful legislators, he also has near-total command of Democratic political life in San Francisco — not to mention his influence within the state's congressional delegation. But his failure to campaign at home, his gruff and irascible personality and some startingly bad political calculations have tumbled him from liberal demi-god to mere Democratic mortal. Republicans hope the agreeable and pleasant Marks will seem the ideal alternative to the tarnished image of Burton.

Worse yet for Burton, a much publicized Republican poll shows Marks ahead by seven percentage points in the early going. This was not unexpected, since Marks is a constant campaigner who works gay bars, Filipino beauty contests and synagogue raffles with tireless gusto. But the real danger unveiled in the polls was the strong negative reaction to Burton. The poll pinpointed public irritation over his long absences from the city and his heavy-handed reapportionment of the state's congressional districts, especially the way he carved a safe district for his younger brother John.

Republican leaders were shocked by the poor Burton ratings. Harvey Hukari, regional political director for the Republican National Committee, says Marks' showing was "phenomenal." In the past four years, Hukari has tracked seven Democratic incumbents who were defeated by Republican challengers. "In none of the races were the GOP candidates even close until the last two or three weeks. Here we have Marks ahead from the start. It's Milton's to lose," Hukari says.

MARKS

Lest voters forget their anger, Marks has already begun to exploit Burton's weak spots with tough television ads entitled the "Arrogance of Power" and press releases noting that Burton owns a home in Washington and stays in hotels on San Francisco visits. "Milton said all that stuff about me?" Burton exclaimed when told of the Marks attacks. "We'll just have to do something about it," he said, sounding like a clean-up hitter looking for the heaviest baseball bat in the dugout.

More than polls and press releases underlie the campaign. As a congressman, Burton has churned out historic bills: a minimum wage law for farmworkers in 1966, the Coal Mine Health and Safety Act in 1970, a cost of living increase in Social Security in 1978 and the largest national parks bill ever in 1980. The Golden Gate Recreation Area, stretching from San Francisco up along the Marin County coastline, is a Burton creation. In short, the "junior woodchucks and big cigars" in the environmental and labor movements regard Burton as a patron saint.

The conservationists are already rallying around, promising money and armies of precinct walkers in the environmental stronghold of San Francisco. An issue of the Sierra Club bulletin, due by November, will have Burton on the cover, the first person so honored since the legendary John Muir. The Sierra Club has an estimated 10,000 to 15,000 members in Burton's district. Its political action committee has already given Burton $5,000.

However, the closest Burton gets to the woods is when he pounds his mahogany desk while yelling on the phone. By all accounts, he is one of the wiliest and roughest political operators ever to appear in Congress. He once told a delegation of San Francisco renewal officials who were studying a list of possible supporters that one congressman "doesn't need to hear any of that urban renewal crap. He'll do it because he owes me."

His reapportionment of the state congressional lines is expected to net Democrats a heavy majority in the 45-

Marshall Kilduff is a reporter for the San Francisco Chronicle.

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Advice for the novice video-politician

By CHARLES McFADDEN

California is a media state. With 11 million voters spread across 1,000 miles of mountains, redwoods and parking lots, it's impossible for a politician to press everyone's flesh during the course of a campaign. The state's too big; there are too many people. If you're running for office in the Golden State, you must rely on the media — especially television.

Sooner or later, then, if you find yourself a candidate for a state office in California, you're going to be facing the camera — perhaps in a debate, or on one of those television discussion shows where your opponent is sitting next to you.

There is a rule in California politics: You must be video-proficient, even the first time out, or you're going to be blown out of the water by 1) your opponent, 2) the moderator or 3) the visiting panel of reporters who are there to ask questions.

Herewith, then, a few tips for the novice video-politician on what to do and what not to do:

• **Do** immediately start talking about how you're going to end the problem of violent crime in California, no matter what office you're running for in 1982. Most California political observers believe the crime issue is this year's biggie. Start talking about crime and you have the public's ear. Even if you're running for state treasurer? Yes. All you have to do is artfully construct a rhetorical bridge from that office to where the public's concerns (and votes) are. Like this:

"My friends, there is a way we can fight violent crime in California without raising your taxes. All we have to do is make sure that our investments of state money return the highest possible yield, and use the money gained on those profitable investments to put more officers out on the streets, where they'll do the most good. As state treasurer, I'd make sure we receive the highest possible return on our investments, so we'd be able to put those officers on the streets . . ."

• **Don't** stop your opponent when, astonished at your *chutzpah*, he begins an earnest and accurate explanation of how little the state treasurer's job has to do with fighting crime. He'll point out that police and sheriff's departments are local, that the state treasurer's investment policies are tightly controlled and conservative and that no crime-fighting cash bonanza is likely to be realized. But remember, most people don't want to hear about what can't be done in office. They want to hear someone talk about what *can* be done, even if it's a bit of a reach. Let your opponent hang himself with his elementary lesson in civics. Then accuse him of copping out on the No. 1 problem facing the people of California.

• **Do** use first names when you're talking to the press panel or the moderator. It shows the audience either you've been around, or you're friendly. Either is good.

• **Do** give a barely audible little sigh and a slight, regretful shake of your head at the conclusion of every one of your opponent's onslaughts, before launching into your own argument. Do it no matter what your opponent says. It gives the impression that you and the viewer are together dealing with someone who's not quite bright. Besides, it will drive your opponent nuts. He'll start cringing every time it's your turn. Remember, a cringing opponent is a defeated opponent.

• **Don't** interrupt your opponent or anyone else, ever. Even if your opponent tells a whopper. Instead, contrive to get him to interrupt *you*.

• **Do** remember that the reporters asking questions want to look like tigers, skillfully cutting through the rhetoric you politicians put forth to get to the real issues of the campaign. After all, their bosses may be watching. Help them look like tigers — by feeding them pieces of your opponent. For instance, you can say things like "I'm *sure* Mr. Wimple has an explanation for why he said that."

• **Don't** claim you were misquoted. No one — not the press, not the viewers at home — ever believes a political candidate who says he was misquoted. Besides, someone might triumphantly produce a tape recording showing that, sure enough, you were quoted all too accurately. Instead, pray that your opponent claims *he* was misquoted.

• **Don't** forget the value of psychological warfare. Point out things to your opponent before air time. Tell him the camera with the red light glowing is the one that's on. He'll either be so mad at being patronized or so worried about which camera is on he might forget his whole game plan. Complain that the heat from the studio lights is fierce and tell him that it gets worse as the show progresses, "especially on the down side of the set, where you're sitting." With any luck at all, he'll pull out a hankerchief and start mopping his forehead on camera, thereby looking like a Mafia don up before an investigating committee. Just before air time, tell him you certainly hope he was able to visit the men's room.

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seat delegation. In drawing the jigsaw puzzle of the boundary lines, Burton showed his political flair. Younger brother John was given special treatment to weaken future GOP challenges. Then, in this year of strange fate for the Burton brothers, John decided in February to quit because he was tired of Congress.

Conservative Republican John Rousselot of San Marino, who worked actively to dump John Burton in 1980, ended up in a largely Democratic and Latino district with an ally of Phil's as his opponent. When the critics began to howl, Burton angrily attacked from the high ground of moral principle. "Hispanics and environmentalists for once got a chance with my plan, and that's why so many people who've always gotten their way are sore," he said.

Marks can naturally expect to find support from the long list of Burton foes. Timber, mining and development interests would love to dump Burton for his conservationist zeal to lock up the wilderness. Likewise, other business interests are opposed to his labor record. Republican party strategists are also eager to dump a pesky liberal bigshot, especially as a consolation prize if the national congressional re-

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turns show an anti-Reagan sweep.

Marks' campaign budget is expected to run from $750,000 to $1 million. Burton will only say that he will raise "whatever it takes."

Revenge-minded foes such as Rousselot have also joined in the Burton hunt. "John is having more fun and is spending more time running against Burton in San Francisco than in gearing up for his own re-election," one GOP colleague told *The Sacramento Bee* earlier this year. "I didn't exactly twist Marks' arms," Rousselot acknowledged. "But it's fair to say I actively encouraged him," he told *The Bee*.

Burton is taking no chances. Except for key votes, he has all but abandoned Washington. He has hired a gay aide, a *sine qua non* in San Francisco politics that Burton was late to appreciate. Although Burton draws the line at employing a campaign manager, he has brought in as "coordinator" Mike Novelli, a San Francisco native who has worked on numerous Democratic campaigns in California and Washington, D.C. "We have to tell a lot of people about Phil who maybe don't know as much as they should," Novelli says.

He has also taken the unusual step of changing his familiar yellow and orange signs. Instead of just the last name, "Phil" has been added. Burton forces say the name is a personalizing touch. But Marks forces claim it was added to put distance between Phil and John whose abysmal attendance record and flaky reputation may splash back on his elder brother.

Burton, who has rarely held hometown press conferences, took reporters on a tour of Fisherman's Wharf last summer and promised a long-awaited, $13.5-million breakwater would be built there. A few days before, he announced he had personally cleared a three-year-old impasse over the location of a $125-million federal building.

While Marks relishes campaigning, Burton has nearly forgotten what it means. At a meeting of a gay political club, Burton was scolded by a member for failing to speak before a congressional panel on gay rights. Burton begged off with a bland reply. Later an aide said Burton was annoyed by the hostile question. "Phil said he got most of the congressmen on the panel elected. Why should he bother with some bullshit speech when all he needed to do was phone the chairman?"

Then there is Marks. If there was a school to teach the homely art of pressing the flesh, Marks would be the instructor. When sharks appeared off Stinson Beach in early summer and fisherman using nets were thought to be the cause, a Marks aide popped up on the sand next to TV reporters with a bill the senator planned to introduce to control netting. When a dangerous chemical was found in a San Francisco junior high school lab last April and the building was evacuated, Marks walked through the police lines and told reporters he would also introduce a bill to ban the explosive stuff.

If you ran an ad to sell a used car, the joke goes, "Uncle Miltie" would send a note saying he hoped you got a good price.

Cornball stuff, maybe. But effective, definitely. Aside from a disastrous race for mayor in 1975 when he finished fifth in a five-way race, Marks has dumped a series of well-known San Francisco Democrats — including John Burton in a 1967 special election. They all made the mistake of thinking the city's lop-sided Democratic registration assured them of victory.

BURTON

Although a nominal Republican, Marks actually behaves like a Democrat on civil liberties, welfare and gay-rights issues. His Marks-Foran housing legislation was a boon to the city's urban renewal efforts, and he has lobbied for more shipping and vessel-repair work for San Francisco's waterfront — an effort that has brought him some labor support, to the embarrassment of Burton.

Marks is such a liberal on so many issues that *San Francisco Examiner* columnist Bill Barnes twitted Marks recently for posing as a conservative choice in the race againt Burton. After Marks sent out a fund-raising letter to business leaders pointing out Burton's liberal record, Barnes dug up the ratings that labor and environmental political lobbyists had given Marks. Burton and Marks had nearly the same true-blue liberal ratings over the same period on comparable issues, Barnes found.

One of Marks' weapons is his aggressive and forceful wife Carolyn, a woman with a prodigious memory for names, faces and personal details. She often fills in at public events, presenting state Senate proclamations, and making sure that the Marks name is heard by all. "If Milton hadn't run, Carolyn would have," one observer jokes.

Burton likewise has a remarkably able political wife. Sala Burton is a strong-willed adviser who accompanies her husband to many events, fussing with his hair before television appearances or scolding an interviewer for not knowing a political tidbit that aids her husband's arguments. During the House debate in August on the nuclear-freeze movement, Sala sat in the balcony, nodding her head as her husband read his speech and smiling down on him when he looked up to her afterwards.

There are two questions that could prove crucial in a close race:

- **Can Marks** shake off the Reagan label? Burton is banking heavily on a game plan that portrays Marks as a White House flunkie masquerading as an independent. Marks has already held two fund raisers featuring Vice President George Bush and former Secretary of State Alexander Haig that were played down, presumably to minimize the links to the White House. "Every opponent of his has tried to say Milton is too Republican to win, and it's never worked," says one Marks adviser.
- **How "safe"** is the district for a Democrat? When Phil drew up his own district that now amounts to two-thirds of San Francisco, he skimmed off the most liberal precincts in the Haight-Ashbury and Bayview districts for his brother who was expected to run in the adjoining district. The Democratic registration dropped from 63 to 60.7 percent.

For any other Republican, that would still be impossible territory, but Marks has always won in spite of a Democratic majority. Master politician Burton knows that, and he's acting accordingly.

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The Rousselot formula: big bucks plus low Latino vote

By BUD LEMBKE

When John Rousselot, a hard-line conservative, decided to seek re-election to the House of Representatives in a solidly Democratic district, some people said it was a noble sacrifice born of desperation. Others said he had allowed emotion to dominate good sense.

That was in February. By early fall, a Rousselot victory no longer seemed totally out of reach. He had gained on two fronts: His leading Democratic opponent was severely mauled in the June primary, and Republicans across the country were sending Rousselot big money. At least there was a possibility that Rousselot could avenge the attempt by his longtime congressional adversary, Phil Burton, to squash him politically.

Rousselot's selection of a high-risk campaign over party fratricide is also now regarded by Republican loyalists as akin to the late John Wayne leading a charge on a heavily defended enemy beachhead. "John won the respect of a lot of people for taking on this challenge," says Harvey Hukari, San Francisco-based regional director for the Republican National Committee. "That's why the party is so solidly behind him."

Rousselot, 54, who resigned three years ago from the John Birch Society after 21 years as a member, is running in November against Democrat Matthew B. (Marty) Martinez, 53, a former assemblyman, former mayor of Monterey Park and, as of July, a congressman. They are seeking a seat representing a revised 30th District in Southern California's San Gabriel Valley. Martinez holds the old 30th seat vacated by George Danielson when he was named to an appellate court last May.

Rousselot's own safe district, the 26th, was engineered out of existence by Congressman Burton's reapportionment. That left Rousselot with several thorny options: Give up the House seat which he had held for 12 years (not counting a two-year stint in 1961-'62); run for the U.S. Senate in a big-name field; take on a fellow Republican congressman, Carlos Moorhead, in the neighboring 22nd District (Glendale, Pasadena and Burbank); or enter what looked like a kamikaze race in the 30th.

The 30th is 63 percent Democratic and only 28 percent Republican. It is also 52 percent Hispanic in population and about 38 percent Hispanic in voter registration. Phil Burton had crafted the district specifically for an Hispanic.

Rousselot does not speak Spanish. Although about one-third of his old district overlaps the revised 30th, Republican strongholds like affluent San Marino and Arcadia were removed from his present district. They have little in common with deteriorating, blue-collar towns like Bell Gardens and Maywood in the 30th.

Rousselot was given a good chance of defeating Moorhead, and it looked at first as if he would try. His press secretary said early in February that he was 90 percent sure Rousselot would file against his Republican colleague. But soon after, Rousselot raised eyebrows by announcing his candidacy in the 30th, stating candidly that one of his motives was to thwart Burton's attempt to do him in politically. He incurred Burton's wrath two years ago when, as the GOP congressional committee chairman for California, he succeeded in targeting Burton's brother, John, in an attempt to defeat him for re-election to Congress. John Burton won, but by the lowest margin of any re-elected Democratic member of Congress from California. Brother Phil did not forget when he sat down to draw new district lines.

A fierce primary

Martinez was the front-running candidate in last spring's Democratic primary, but he was fiercely opposed by Dennis Kazarian, Congressman Danielson's administrative assistant. Two other strong candidates filed: Olga Moreno, chief deputy of the state Department of Fair Employment and Housing, and Rose Ochi, an attorney on leave from Los Angeles Mayor Tom Bradley's staff.

The Martinez strengths included his Assembly incumbency, in which he represented 42 percent of Danielson's old 30th District, and his longtime participation in San Gabriel Valley community activities (Rotary Club, Boys Club and the YMCA). Two months before the primary, he led Kazarian in one poll by 23 points. But Kazarian, Rousselot and the Republican Party ganged up on Martinez with a flood of "hit" mail, and when the primary votes were counted, Martinez had won the Democratic nomination by only 425 votes over Kazarian.

A complication resulting from Danielson's departure for the appellate judgeship also did Martinez little good. A special election was called, to be held simultaneously with the June 8th primary, to fill Danielson's unexpired term through the remainder of 1982. Competing in this confusing election within an election were Martinez, Kazarian, Ochi and Monterey Park teacher Osvaldo Romero on the Democratic side. Moreno did not run in this column on the ballot.

Rousselot ran unopposed for the Republican nomination in the primary. Since he is already an incumbent, he stayed out of the special election on the same day. Instead, the local, state and national Republican leadership gave its backing to a Republican businessman, Ralph Ramirez, 45, an Hispanic who had run last in an earlier race for a Los Angeles Community College District trustee position.

In the simul-cast ballots of the special election, Martinez led with 32 percent of the vote, ahead of Kazarian who drew 29 percent and Ramirez who ran third. Since no one received a majority and since Ramirez was the only Republican running in the special, he and Martinez faced each other in a runoff June 13th to succeed Danielson. Said Ramirez: "I'm running to help my friend, John Rousselot,

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get elected in November." Martinez won, but by only 550 votes in a runoff that attracted yawns and only a 19 percent turnout.

Martinez flew to Washington the morning after his election and was sworn in to succeed Danielson the next day. He has spent much of his time since then in the nation's capital, while Rousselot has flown home to campaign every weekend since April.

The primary attacks on Martinez included 12 mailers that harpooned him on a variety of subjects. Kazarian charged that he was a "lightweight" in

MARTINEZ

the Assembly and also sent out tabloid-style mailers that were strident in tone and content. One was headlined, "Convicted Racketeer and Drug Dealer Gives Marty Martinez Thousands of Dollars," while another read, "A true story: The Saga of Marty Martinez and the Toxic Waste and Dump Owners." The latter referred to a campaign contribution given him by the owner of a controverial dump in Monterey Park. Martinez did not retaliate, even though his management firm, BAD Campaigns, Incorporated, run by Michael Berman and Carl D'Agostino, is noted for targeted mailings.

Charles Levin managed the Martinez campaign in the primary, working with Berman and D'Agostino, but Martinez switched to a longtime Hispanic acquaintance, George Pla, 32, to run his effort in the July special and November general elections. Pla had managed Esteban Torres to the Democratic nomination by a surprisingly large margin over ex-Congressman Jim Lloyd in the adjoining 34th District. Berman and D'Agostino continued into the fall as consultants to the Martinez campaign, even though Martinez was lambasted in the primary for his "Berman-(Henry) Waxman" connection.

Making history?

Rousselot says he has budgeted $540,000 for the fall campaign; Martinez is hoping to raise $300,000. Some observers close to the campaign say that Rousselot's financial advantage will be greater than that. "Rousselot is likely to set a record for spending (in a congressional race)," says Levin, who concedes that "money was a Martinez problem" in the primary. "Rousselot is getting lots of help nationally," he adds. "This is alarming if you're a Democrat because it's unprecedented for Republicans to look at a 63 percent Democratic district and say, 'There's one we can win.' " Levin believes Rousselot has "a big chance to make history" by winning in such a heavily Democratic district.

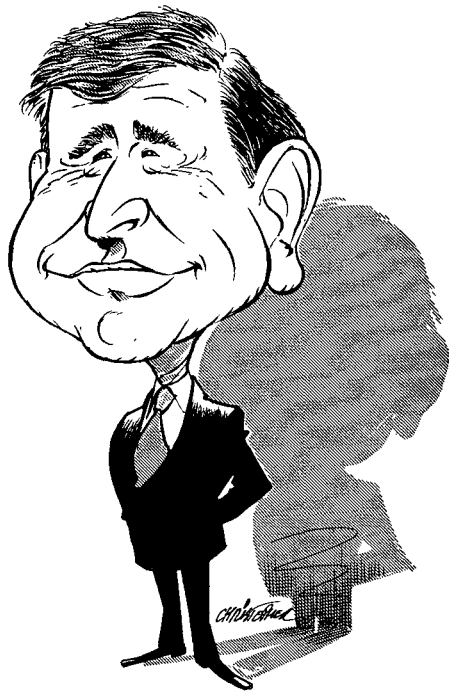
"His chances don't depend on how well (President Ronald) Reagan and the Republicans are doing in the polls," Levin says. "It'll just be a slugfest between Martinez and Rousselot. National politics won't be significant. What'll be significant will be that Congressman Rousselot has a personal vendetta against Congressman Phil Burton. He has sent out numerous fund-raising appeals to right-wing groups all over the country saying, 'Help me stop Phil Burton once and for all.' "

Levin's successor, Pla, envisions a different scenario, although he concedes that raising money for the Martinez effort will be difficult because of the nature of the 30th District. He predicts a Martinez victory because "people are tired of the economic problems and are going to take it out on (George) Deukmejian, (Pete) Wilson and Rousselot.

"You don't have the (campaign finance) heavy hitters in these parts," says Pla. "There are no Dick O'Neills (a reference to the wealthy Orange County rancher who has contributed heavily to Democratic campaigns) that godfather people into office, and the district is very spread out."

The new 30th embraces San Gabriel, where Rousselot has owned a condominium which is his home away from Washington, as well as Alhambra, Azusa and Irwindale. All are within the 26th which he now represents, but excluded are three other towns, San Marino, South Pasadena and Arcadia, that have been strong bases of Rousselot support. Other communities in the 30th include Monterey Park, El Monte, Rosemead, the City of Commerce, Bell, Maywood, Vernon, Cudahy, Montebello and Bell Gardens.

Pla blames the small margin of Martinez' win over Ramirez in the special election on the poor turnout. Republicans tend to vote and Democrats are inclined to stay home in such exercises, he says. When the campaigns for the U.S. Senate, for state offices and for propositions bring a turnout of 60 to 70 percent in November, Martinez will be helped, Pla predicts. He also notes that the district has 38,000 union



ROUSSELOT

members, and Rousselot has been no friend of labor.

Ronald Reagan outpolled Jimmy Carter in the district two years ago, but Pla maintains that the political climate has changed. "Unemployment in the district is 15 percent" he says. "People are mad as hell now. They're blaming it on the Republicans. People have the idea that Republicans are for rich folks."

Pla is relying on small fund-raisers, political action committee contributions derived from Martinez' new status as a member of Congress and sizable contributions by organized labor to finance the campaign. "Rousselot has to outspend Marty by 2 to 1 to stay even, because the numbers are so overwhelmingly against him," says Pla.

That kind of spending does not seem out of Rousselot's reach. GOP regional political director Hukari says that $50,000 — the maximum amount allocated to any candidate — will go to

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Rousselot's campaign from three sources: the Republican National Committee, the National Republican Congressional Committee and the California Republican Party. GOP leaders regard the Rousselot-Martinez contest as "one of the most important races in the country, principally because it stands out as a symbol of Burton reapportionment gerrymandering," Hukari says.

Hukari spent nearly two months in the 30th preceding the primary and July special elections, and the Republican National Committee spent $24,000 on direct mail in the primary, paying for three letters attacking Martinez on his legislative record. That kind of concentrated Republican fire, directed at a Democrat in a primary in which the Republican was uncontested, is highly unusual.

"I had a chance to study that district and look it over," says Hukari. "I'm convinced the Democrats made a terrible mistake by nominating Martinez and they will pay for it." By contrast, Pla thinks there will be "a certain amount of negative reaction to someone coming in with tons of money and trying to buy a seat."

But not all of Rousselot's resources are related to money. "John has a good chance because he's probably the best campaigner in the state," says veteran campaign manager Bill Roberts of the Dolphin Group, currently running George Deukmejian's gubernatorial campaign. "He's absolutely tireless, a good speaker and articulate. This would not ordinarily be a good race for your average Republican, but John is not your average Republican. He's amazing."

Martinez was accused by his Democratic rivals in the primary of being a "closet Republican." He had in fact been a Republican before switching his registration in 1975. In 1978, he switched from Democrat to "decline-to-state" after Leo McCarthy appointed him to the state Solid Waste Management Board. In January 1979, he became a Democrat again.

Rousselot is anxious to debate his opponent, but Martinez is in no hurry to participate in a matchup with his silver-tongued rival. "I'll probably debate him, but I'll pick the place," says Martinez, with some irritation. "No one who is a carpetbagger from San Marino is going to come into my district and dictate the time and place."

Political consultant Harvey Englander, who ran Kazarian's aggressive primary campaign, says if he had Martinez for a client, he would advise him to duck debates. "Martinez is not an overwhelmingly strong candidate, doesn't have a lot of experience and will have a lot of things that Kazarian brought up brought up again, but it's a moderate-to-conservative Democratic district," says Englander. "Rousselot has a lot more negatives, such as the John Birch Society and other associations. That turns off even most conservative Democratic and Republican families. And I think it will be a Democratic year, because of the economy."

Martinez maintains that his primary race was close only because Moreno siphoned off 18 percent of the vote, which he theorizes was Hispanic, and Rose Ochi gained 8 percent, which he presumes was largely Asian. He said he is braced for "more garbage" of the kind thrown at him in the primary. "I expect a lot of hit pieces, straight out of the tricky Dick Nixon play book," he says.

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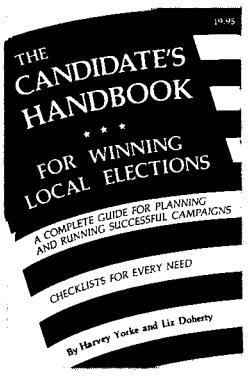

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Clash of the titans over Propositions 11, 13

By LILLIEANNE CHASE

After the defeat in June of the Peripheral Canal, environmentalists circulated a tongue-in-cheek version of how money was raised for the anti-canal campaign. As their story goes, the environmentalists sat down at a table with San Joaquin Valley farm leaders. After deciding on a goal of about $3 million, each person at the table was asked how much he could contribute. The responses were $50,000, $25,000, $10,000 and so on. Finally it was the turn of the representatives of the J.G. Boswell and Salyer Land companies. They were asked, "How much can you guys put up?" Their answer: "The rest."

The story is fictional, but it illustrates the dilemma that the environmental forces will face in November. This time they will be fighting against, not with, the big-money interests. And they will be fighting on two fronts instead of one.

Big business is pouring millions into the campaign to defeat Proposition 11, an initiative to mandate deposits on all beer and soft-drink containers. Big agriculture will spend whatever it takes to oppose Proposition 13, a far-reaching initiative on water management and conservation.

The stakes in both contests are high. Passage of a deposit law in California could trigger more support for a national law which Congress has been considering for several years. Fearing this, brewers, soda-pop and container-manufacturing companies from all over the country are pumping funds into the California campaign — perhaps as much as $5 million.

On Proposition 13, environmentalists face the solid opposition of virtually every agricultural interest in the state, including the Agricultural Council, the California Farm Bureau, Western Growers Association, Cattlemen's Association, plus the California Chamber of Commerce and dozens of water agencies.

Neither of the proponents has any money to compare with the strength of their opposition. The California Water Protection Council, backers of the water-conservation measure, and Californians Against Waste, backers of the bottle bill, say they will rely on grass-roots fund raising, small donations from individual contributors and direct mail to finance their campaigns. A coalition of consumer, civic, municipal, environmentalist, wildlife and sportsmen groups, plus the Retail Clerks Union, the California Farm Bureau Federation and the Teamsters, support the deposit law. And more than 80 percent of Californians said they favored a deposit law in a survey conducted by the state Department of Consumer Affairs. But such support does not buy media time.

The backers of Proposition 13 wonder if their cause may be lost in the shuffle as voters focus on hotter issues such as gun control and the nuclear-freeze debate. But Doug Watts — whose firm of Russo, Watts and Associates is handling the opposition campaign — disagrees. "This issue is going to be as big, if not bigger, than the Peripheral Canal," he predicts. (Russo, Watts also managed the successful anti-canal campaign.)

"Conservation is not all that hot an issue with the public," Watts says, "because people have conserved on energy and they have seen costs go up anyway." He believes that 13 will lose for the same reason the voters rejected the Peripheral Canal: because they perceived it was too costly. That is the issue which the anti-13 campaign will stress, according to Watts — higher energy, food and water costs that opponents claim would result from the initiative's passage. Watts estimates that the agricultural coalition will spend a relatively modest $1.5 to $2 million to defeat 13.

Here is a closer look at the two initiatives, with some background on the issues each involves:

Proposition 11

This initiative would require at least a nickel refundable deposit on all beer and soft-drink containers. A deposit bill, carried by Senator Omer Rains, has been repeatedly stymied in the Legislature by the beverage and container lobby for nearly a decade. Only once did the bill reach the Senate floor.

Nine other states have enacted some form of deposit law. California's proposal would not require companies to use refillable containers or to recycle the returned containers, but in most deposit-law states there has been some shift to the use of refillables, particularly for soft drinks. At least 90 percent of aluminum cans are returned for deposit in these states, and the recycling rates of other materials has risen significantly.

Lillieanne Chase is a free-lance writer in Sacramento.

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In California, aluminum is already being recycled at a rate of between 50 and 60 percent. (Although there are no state figures on glass, the national recycling rate is much lower — about 6 percent.) Along with conserving raw materials, the deposit law is intended to reduce container litter. Deposit-law states report at least an 80 percent reduction in beverage container litter. A recent California study, conducted by the environmental research firm of Bechtol and Williams for the state Solid Waste Management Board, estimates that beverage containers account for one-third of all the state's litter.

The major controversies over Proposition 11 center on the issues of jobs and prices. Glass and can container companies predict that a deposit law would cause a loss in highly skilled jobs in the container industry. The net increase in jobs, predicted by supporters of the bill, would be in low-skilled jobs in handling, recycling and distribution. According to Gilbert Moore, spokesperson for Californians for Sensible Laws which opposes 11, "The parent loses the job and the son gets the job."

Consumers will pay for the added costs of handling, recycling, storing and distribution in higher prices, opponents say. According to a national survey conducted by the container-manufacturing industry, deposit-law states experienced an increase in both beer and soft-drink prices. Brewers and soda pop companies say the increase in prices could cause a drop in sales and a loss of revenue to the state.

Backers of 11 argue that much of the cost of the drink is in the container. Currently, beverages in refillables in California are sold 30 to 35 percent cheaper than in throwaway containers. "The industry is selling us a lot of bottles and cans that we don't need," says Bud Lembke, a spokesperson for Californians Against Waste.

Amy Hewes, field manager for the organization, thinks the law could give local companies a competitive edge. "Fifty percent of the beer market is controlled by two breweries. The soda-pop market is dominated by Seven Up, Pepsi Cola and Coca Cola. The introduction of the one-way bottle enabled companies to distribute from large regional centers. A return to refillables could improve the competitive advantage of local companies."

The law could also shift recycling from independent and non-profit recycling centers to industry recycling. Steve Brownell, of Alameda Recycling Council, agrees that the deposit law is a serious threat to recycling centers which rely on the sale of aluminum cans to subsidize the collection of other materials.

"Too much for too little" — that's the argument Californians are hearing on radio and television against the initiative. A recent report by the Center for Economic Research at Chapman College, commissioned by Californians for Sensible Laws, estimated that the increased costs under the law would be $300 million a year. Total solid waste reduction would be only about 5 percent, opponents claim.

Ross Pumfrey, of Californians Against Waste, challenges that industry-sponsored study. "A few years ago they estimated the cost would be about $500 million — now they say about $300 million. Maybe by November we'll break even."

While opponents emphasize the cost to consumers, proponents are stressing the cleanup of litter and waste. "The litter aspect has the most emotional response to the individual," Hewes says.

Proposition 13

Many of the provisions of the water initiative stem from recommendations of the 1978 Governor's Commission To Review Water Rights Law. The commission's final report agrees with the Department of Water Resources' projection: By the year 2000, the state will face a substantial water deficit.

Although 85 percent of Californians live in cities, the urban, industrial and commercial demand accounts for only 15 percent of the state's water use. Agriculture accounts for the remaining 85 percent. There is some agreement, even privately among farmers, that California's water is not being used at maximum efficiency. A Rand Corporation report concluded that California was losing $60 million to $370 million a year due to inefficient use of water.

In the San Joaquin Valley, water supply problems are a critical concern. In a normal rainfall year, 40 percent of the water used in the San Joaquin Valley comes from the groundwater supply. But the groundwater is being pumped out faster than it can be replaced by natural recharge, and new agricultural lands continue to be brought into production, increasing the overdraft of the basin. Results of overdraft include increased energy costs for pumping, which small farmers are less able to absorb; salt water intrusion into the fresh-water underground pool; and land collapse. In one small area of the San Joaquin Valley, land has subsided 28 feet.

Proposition 13 is designed to impede development of new supplies from interbasin transfers until existing water is used more efficiently. Here is how:

- **A water conservation** provision would require all water suppliers to implement less costly conservation and reclamation alternatives before drawing new water supplies from another water basin.
- **A groundwater** management provision, which identifies 11 critically overdrafted groundwater basins, would require local governments to implement plans to reduce or eliminate the overdrafts before importing new water supplies.
- **An instream** water rights provision would permit the State Water Resources Control Board to grant appropriations of water to remain instream for beneficial purposes for fish, wildlife, scientific, recreational, aesthetic and water-quality purposes. It would also give the SWRCB authority to establish instream flow-protection standards.
- **A provision** which specifies conditions for filling the New Melones Reservoir would delay as long as possible filling that whitewater stretch of the Stanislaus River above the dam which has not yet been inundated. This provision requires that contracts for 75 percent of the water be signed before the dam is filled. It also requires state entities purchasing the water to pay their full proportionate share

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of costs of development and delivery.

• **Finally, the initiative** establishes as state policy that water users pay their full, proportionate share of water development costs, that subsidies be discouraged, and that the use of property taxes to pay for water development and delivery be minimized.

Estimates of how much agricultural water can be saved by conservation range from 5 to 50 percent. But supporters maintain that the passage of the initiative would lead to a greater awareness of conservation and more careful development of water projects.

Harrison Dunning, chairman of the California Water Protection Council, is a UC Davis water rights law expert and a member of the Governor's Commission to Review California Water Rights Law. "The best dam sites have been used," he says, "and it's cheaper to conserve than build massive new projects. We're trying to set the goal — we want to put water conservation on equal dignity with water development. We can't say how much can be saved, but we do believe the effort should be made."

Charles Shoemaker, deputy director of the state Department of Water Resources, says the initiative would force people to address the problem of overdraft. "There have been no proposals to restrict the bringing of new land into production," he says. "This initiative is an administrative way of getting at the problem."

The policy statement on water pricing is another attempt to encourage water efficiency by imposing elements of a free market economy on water, according to Dunning. He says federal water projects, heavily subsidized by taxpayers, have contributed to inefficient use of water by making water too cheap. If users had to pay a greater portion of the full cost, they would be more efficient and less eager to rely on development of costly new water supplies.

Should the measure pass, Dunning envisions no cataclysmic changes in the agricultural world. He draws a parallel with energy conservation: "If we could look at the water world of 1992, we would see some subtle shifts — in irrigation methods, crop planning, equipment and in the urban sector. But no massive dislocations and nothing dramatic."

By contrast, farmers and water agencies consider the measure radical and complex. They strongly object to governmental interference in established water rights. The authority given to the SWRCB to review conservation and groundwater-management plans is too broad and vague, they say. They fear that the individual needs of different commodities and regions will suffer.

Bill Dubois, of the California Farm Bureau, puts it this way: "It's a mistake to think that farmers are against conservation. But we don't know what the SWRCB would do in these areas. We know it would be bad, but we don't know how bad."

Opponents say the initiative reverses what California water policy should be. The best solution to groundwater overdraft is to locate the lowest-cost source of water in the state and to arrange a transfer, they insist. Conservation could follow the development of new water supplies. By reversing the order, farmers might be forced to reduce acreage or crop intensity.

The water pricing policy is also considered a shortsighted mistake. To put water on a retail basis, they argue, is unrealistic and ineffective. Wholesale users get wholesale rates because they produce more, create jobs, bring money into the state economy and produce food at a reasonable cost.

Dubois says the instream rights could be the "most dangerous provision of all, because it puts the needs of fish above people." But it is the New Melones section which may prove to be the downfall of the environmentalists. It was the white-water interest group which did most of the work to gather signatures to qualify the initiative. Although a relatively small part of the whole package, the New Melones section could arouse emotional questions which obscure the broader issues addressed in the proposition. If opponents of Proposition 13 picture the dam as an unused, $350 million water project, it could become a symbol of the waste and inefficiency which the environmentalists say they are fighting.

With plenty of money to convey their messages, the opponents of 11 and 13 are quietly confident of success. Relying on grass-roots organizations and limited funds, the environmentalists may wish next month that they had concentrated on one cause at a time.

(See the special proposition booklet in last month's Journal *for additional background and pro-and-con arguments on Propositions 11 and 13.)*

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The Rating Game

Organizational guide to the most liberal, conservative and environmental lawmakers

By JOAN REISS and WENDY MacNEILL

Any state legislator running for re-election this year will feel comfortable only with the security blanket of a solid voting record on the issue of crime and punishment. Based on legislative ratings compiled by two law-enforcement organizations, very few lawmakers will be without their teddy bears this year.

A heavy majority of senators and Assembly members were given good grades by the California Peace Officers Association (CPOA), which concentrates on law-and-order issues, and the Peace Officers Research Association of California (PORAC), which specializes in benefits for the cop on the beat. In fact, the law-enforcement groups did so well that even the two legislators with the strongest civil libertarian reputations, Senators Nicholas Petris of Oakland and Alan Sieroty of Beverly Hills, have higher grades than their New Right colleague, Bill Richardson.

Every organization compiling ratings emphasizes that the raw numbers tell only a part of the story and that voters should also assess other factors, such as effectiveness, ethics and leadership ability. But the statistics do help a voter gain a general view of where each lawmaker stands on key issue areas. Here is a list of 11 groups that graded 1981 votes and which issues each used:

Joan Reiss is the producer of the California Journal *television program. Wendy MacNeill recently completed an internship at the* Journal.

Americans for Democratic Action (ADA) — 15 Senate and 19 Assembly bills on crime, environment, housing, health care, education and labor.

California Republican Assembly (CRA) — 12 Senate and 16 Assembly measures ranging from fiscal responsibility and local government control to crime, labor and education.

SENATE	ADA	CRA	CPOA	PORAC	CLCV	CFB	CMA	CoC	CLF	CAR	CTA
Alquist (D)	60	22	63	68	25	47	57	71	50	75	63
Ayala (D)	60	33	79	64	31	47	43	40	53	88	100
Beverly (R)	48	27	83	67	33	73	75	56	39	88	63
Boatwright (D)	60	26	79	63	20	67	67	50	57	75	75
Briggs (R)	8	71	63	53	15	47	100	71	24	67	43
Campbell (R)	16	57	54	43	0	53	80	80	23	80	38
Carpenter (D)	32	32	58	64	17	40	60	40	75	78	63
Craven (R)	24	50	42	49	27	40	80	80	33	33	29
Davis (R)	20	65	67	67	35	87	100	75	22	63	50
Dills (D)	72	11	71	67	21	40	40	22	88	67	88
Doolittle (R)	8	93	83	68	6	80	86	100	0	78	50
Ellis (R)	4	80	83	67	13	60	100	88	14	75	63
Foran (D)	60	29	67	65	20	40	17	50	50	78	75
Garamendi (D)	56	25	79	62	67	73	33	50	67	50	88
Garcia, A. (D)	48	11	75	54	10	27	33	0	100	50	63
Garcia, M. (R)	20	71	88	48	19	80	100	100	6	75	38
Greene (D)	80	6	54	43	29	47	50	13	93	50	75
Holmdahl (D)	72	38	79	57	13	33	43	45	73	44	75
Johnson (R)	20	80	88	64	33	80	100	80	9	88	63
Keene (D)	88	26	75	69	47	53	50	45	78	71	100

	ADA	CRA	CPOA	PORAC	CLCV	CFB	CMA	CoC	CLF	CAR	CTA
Maddy (R)	48	65	79	57	25	67	80	88	27	67	50
Marks (R)	92	16	71	71	38	33	20	20	88	38	100
Mello (D)	72	7	88	66	54	33	33	44	77	67	63
Mills (D)	48	0	54	52	73	7	33	33	91	17	25
Montoya (D)	48	22	58	54	38	33	67	44	71	67	63
Nielsen (R)	24	50	67	63	25	87	86	80	28	75	50
O'Keefe (R)	16	87	58	58	18	73	100	88	13	75	63
Petris (D)	96	6	50	46	64	20	17	13	83	33	38
Presley (D)	48	61	92	73	62	53	57	50	40	75	75
Rains (D)	60	46	71	60	55	33	0	22	85	71	75
Richardson (R)	4	91	42	30	13	47	80	100	11	75	13
Robbins (D)	40	20	46	48	27	27	50	33	83	25	63
Roberti (D)	80	33	46	67	31	20	17	13	100	75	63
Russell (R)	20	82	75	48	27	73	86	100	6	86	63
Schmitz (R)	0	76	71	42	0	47	83	89	6	67	0
Sieroty (D)	88	16	46	48	75	33	17	20	100	50	75
Speraw (R)	12	69	58	47	20	67	86	80	8	71	63
Stiern (D)	60	37	79	59	67	47	57	33	6	67	88
Vuich (D)	48	61	83	61	44	87	100	60	42	56	50
Watson (D)	100	11	42	55	42	7	40	18	94	57	100
Average	47	42	66	58	32	50	61	55	50	65	60

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California Peace Officers Association (CPOA) — 17 Senate and 9 Assembly bills on law-and-order issues.

Peace Officers Research Association of California (PORAC) — 55 Senate and 83 Assembly votes emphasizing labor and retirement issues but including law-and-order measures.

California League of Conservation Voters (CLCV) — 11 Senate and 10 Assembly bills on environmental issues.

California Farm Bureau (CFB) — 11 Senate and 8 Assembly votes pertaining to agriculture.

California Manufacturers Association (CMA) — 7 Senate and 8 Assembly bills important to business and industry.

California Chamber of Commerce (CoC) — 7 Senate and 10 Assembly measures involving industrial regulations, taxation, consumer affairs and urban development.

California Labor Federation (CLF) — 13 Senate and 16 Assembly votes on labor issues.

California Association of Realtors (CAR) — 4 Senate and 9 Assembly bills concerning housing, land use and landlord-tenant relations.

California Teachers Association (CTA) — 8 Senate and 8 Assembly measures on education, school finance and union matters.

'Good' and 'bad' votes

Not all organizations use the same system of computation. Four organizations — ADA, CRA, PORAC and LCV — assign percentage ratings to all legislators. Four others — CMA, CoC, CLF and CAR — provide scores for each legislator. These were converted to percentages for comparative purposes in this compilation. The other three — CPOA, CFB and CTA — show "good" and "bad" votes without assigning numbers to each member of the Legislature. Percentages were calculated in these instances by dividing the number of favorable votes by the number of voting opportunities. Us-

ASSEMBLY	ADA	CRA	CPOA	PORAC	CLCV	CFB	CMA	CoC	CLF	CAR	CTA
Agnos (D)	92	11	67	63	73	25	10	14	87	40	78
Alatorre (D)	80	7	73	74	73	33	10	8	85	50	100
Baker (R)	4	100	73	49	50	83	90	85	14	86	44
Bane (D)	52	19	67	66	56	67	11	25	89	56	78
Bates (D)	88	5	40	64	83	17	10	7	86	30	78
Bergeson (R)	16	84	67	51	58	75	89	69	21	56	33
Berman (D)	88	0	73	60	82	25	10	14	91	43	78
Bosco (D)	80	18	73	63	67	50	10	42	85	40	78
Brown, D. (R)	4	100	73	60	25	83	89	92	0	67	44
Brown, W. (D)	76	11	53	79	58	50	10	25	86	56	88
Campbell (D)	92	5	80	62	83	33	11	15	95	40	78
Chacon (D)	68	12	73	54	58	58	11	15	90	60	67
Cortese (D)	68	7	73	76	64	50	10	15	86	50	78
Costa (D)	84	22	73	73	64	67	44	31	77	50	78
Cramer (D)	76	6	80	68	82	58	10	17	86	50	89
Deddeh (D)	64	20	93	57	100	67	22	23	84	75	63
Duffy (R)	28	78	53	57	55	75	80	90	40	67	44
Elder (D)	76	6	73	60	58	58	0	8	86	60	78
Farr (D)	80	16	80	84	90	67	10	21	83	80	78
Felando (R)	28	63	67	60	50	92	70	75	38	30	75
Filante (R)	16	88	87	61	64	83	100	91	19	89	44
Floyd (D)	88	5	33	58	60	17	11	0	95	33	88
Frazee (R)	8	83	73	68	42	92	90	100	26	89	38
Frizzelle (R)	4	100	60	57	50	92	90	85	16	50	33
Goggin (D)	72	13	80	55	89	50	13	18	85	56	75
Greene (D)	60	20	80	69	50	67	14	27	83	63	67
Hallett (R)	8	89	80	60	60	75	100	100	27	88	44
Hannigan (D)	80	16	73	76	75	75	22	31	90	63	78
Harris (D)	76	5	53	63	64	25	11	15	79	60	86
Hart (D)	88	5	80	67	100	50	0	0	90	40	100
Herger (R)	8	100	67	50	55	100	88	91	14	60	44
Hughes (D)	96	0	73	80	75	33	10	21	83	63	89
Imbrecht (R)	44	79	80	62	83	67	70	77	48	67	67
Ingalls (D)	36	27	87	77	82	50	33	44	76	60	63
Ivers (R)	8	100	80	54	64	75	100	100	21	67	22
Johnson (R)	4	100	60	50	56	83	90	91	6	40	11
Johnston (D)	68	16	93	79	67	75	10	21	77	56	78
Kapiloff (D)	92	0	67	71	82	42	10	21	81	50	88
Katz (D)	84	6	80	81	73	58	10	14	87	50	89
Kelley (R)	4	100	80	68	50	100	100	100	10	67	44
Konnyu (R)	0	90	80	70	50	75	100	92	14	44	44
La Follette (R)	16	89	67	54	45	92	78	82	24	75	44
Lancaster (R)	8	100	67	67	58	100	100	100	26	50	44
Lehman (D)	76	22	73	63	58	58	20	21	76	40	78
Leonard (R)	16	83	87	56	42	83	90	100	27	60	56
Levine (D)	76	0	53	52	89	33	13	15	94	60	78
Lewis (R)	0	95	67	47	25	67	90	92	0	50	44
Lockyer (D)	76	5	73	55	67	33	11	17	91	60	75
Marguth (R)	4	89	87	57	67	83	100	100	27	75	44
Martinez (D)	76	6	73	63	67	50	10	8	89	60	78
McAlister (D)	28	53	93	63	58	92	57	83	52	70	67
McCarthy (D)	72	16	80	72	58	33	11	23	86	56	78
Moore (D)	92	0	53	50	73	25	10	14	91	60	78
Moorhead (D)	60	13	80	74	58	58	14	27	84	56	78
Mountjoy (R)	0	100	73	54	25	67	89	85	11	56	38
Naylor (R)	0	94	80	70	64	50	89	92	16	67	67
Nolan (R)	0	89	73	69	36	58	88	91	15	57	38
Papan (D)	60	18	60	71	50	50	13	27	72	63	88
Robinson (D)	56	21	60	58	55	67	0	30	75	33	89
Rogers (R)	0	100	87	68	56	92	88	83	10	67	56
Roos (D)	76	5	73	73	58	50	10	21	78	60	89
Rosenthal (D)	96	5	87	75	91	33	10	21	87	50	78
Ryan (R)	52	68	60	66	50	75	80	75	38	57	78
Sebastiani (R)	0	100	87	54	64	92	90	93	10	63	44
Sher (D)	88	11	73	83	91	42	10	14	86	38	78
Statham (R)	20	94	80	59	45	83	75	91	29	86	56
Stirling, D. (R)	16	93	93	66	57	67	89	82	19	83	44
Stirling, L. (R)	24	69	80	54	50	67	60	67	24	100	67
Tanner (D)	80	0	80	80	67	50	10	14	91	50	88
Thurman (D)	60	33	93	79	58	83	33	46	80	44	78
Torres (D)	72	0	40	50	72	33	11	18	85	56	89
Tucker (D)	88	0	67	59	72	50	10	14	100	60	89
Vasconcellos (D)	76	0	67	60	56	8	10	15	84	56	67
Vicencia (D)	72	13	60	46	44	25	29	25	87	67	75
Waters, M. (D)	96	0	47	47	50	17	11	9	94	33	100
Waters, N. (D)	64	21	73	77	42	83	30	54	81	40	67
Wray (D)	48	18	80	75	75	58	11	23	82	56	78
Wright (R)	4	94	67	54	55	75	89	100	25	60	44
Wyman (R)	0	89	100	61	50	92	89	92	27	70	38
Young (D)	44	13	67	60	75	67	11	21	79	67	63
Average	33	42	73	64	62	61	43	48	60	58	67

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ing this method, lawmakers are penalized for absences and abstentions.

These ratings can be used for establishing the most liberal, moderate, conservative and environmental members of each house. Using arbitrary standards (Senate: ADA, 85 or higher; CRA, 20 or below. Assembly: ADA, at least 85; CRA, 15 or below), the most liberal lawmakers are Senators Milton Marks, Petris, Sieroty and Diane Watson, plus Assembly members Art Agnos, Bob Campbell, Teresa Hughes, Larry Kapiloff, Gwen Moore, Herschel Rosenthal and Maxine Waters. All are Democrats except Marks.

The most conservative are Senators John Doolittle, Jim Ellis, Marz Garcia, Ray Johnson, Dan O'Keefe, H. L. Richardson, Newton Russell and John Schmitz, and Assemblymen Bill Baker, Dennis Brown, Nolan Frizzelle, Wally Herger, Bill Ivers, Ross Johnson, David Kelley, Bill Lancaster, Dick Mountjoy, Don Rogers and Don Sebastiani. (Former Senator John Briggs also qualified.) This is based on a CRA rating of 70 or higher for the Senate and a perfect 100 for the Assembly, plus an ADA grade of 20 or below for the Senate and 10 or lower for the Assembly.

In previous editions of the rating game, liberals have usually outnumbered the conservatives. The large number of lawmakers qualifying as "most conservative" in the 1981 rankings verifies the general feeling in Sacramento that the Legislature took a definite turn to the right in the 1981-82 session.

The category of "most moderate" produced a mix of liberal Republicans and conservative Democrats. The rating is based on CRA and ADA scores in the 40-65 range for the Senate and within 25 points of each other for the Assembly. Those who qualified are Senators Ken Maddy, Bob Presley, Omer Rains and Rose Ann Vuich, and Assembly members Alister McAlister, Marilyn Ryan and Walter Ingalls. All are Democrats except Ryan and Maddy.

The "most environmental" are Senator Sieroty and Assemblymen Wadie Deddeh, Sam Farr, Terry Goggin, Gary Hart, Mel Levine, Herschel Rosenthal and Byron Sher. The test for this category was an LCV rating of 75 for the Senate and 85 for the Assembly. Environmentalists are in a definite defensive position in the Legislature. Overall LCV scores were the lowest in seven years.

Changing records

The voting records of two legislators seeking higher office took a decided change in the 1981-82 session. In 1980, Republican Senator Milton Marks was one of the "most environmental" members of the Legislature with an LCV mark of 87. Marks, who is running for Congress in a highly publicized race, plummeted to 38 in the latest round of grades. However, his scores from other organizations make it clear that Marks is by far the most liberal Republican in the Legislature. Assemblyman Deddeh is moving into some environmentalist territory as he shifts to the state Senate, and he obtained some "good-earth" credentials by moving up from 69 to 87 in the LCV ratings.

Assemblyman Hart, a teacher from Santa Barbara, is the only legislator with a perfect grade from the California Teachers Association. Hart is locked in a tight state Senate race with his Republican colleague, Charles Imbrecht. Despite Hart's rating, CTA is supporting Imbrecht. The reason is that Hart has authored a series of educational reform measures distasteful to the CTA.

Some bills appeared repeatedly on tests used by organizations. A Senate vote on the confirmation of former legislators Jerome Waldie and Alfred Song to the Agricultural Labor Relations Board appeared on four report cards. An "aye" vote was considered the right answer to the ADA and CLF, a wrong answer for CFB and CRA.

This year, it was possible to draw an answer to a significant question that has troubled the Sacramento political community for many years: Who is more conservative, Senator Bill Richardson or Senator John Schmitz? By recording a zero rating from ADA, LCV and CTA, Schmitz clearly is entitled to the title "King Conservative" of the 1981-82 Legislature.

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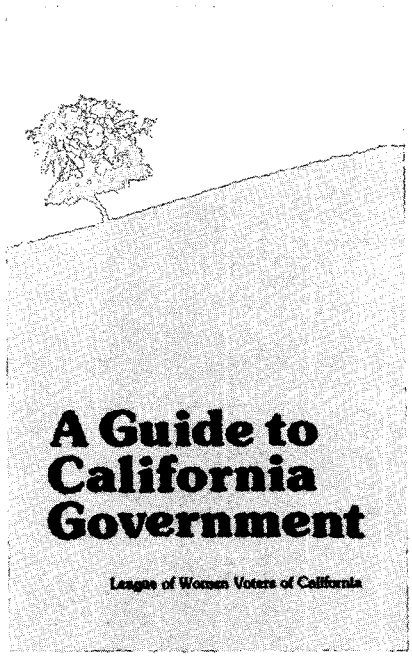

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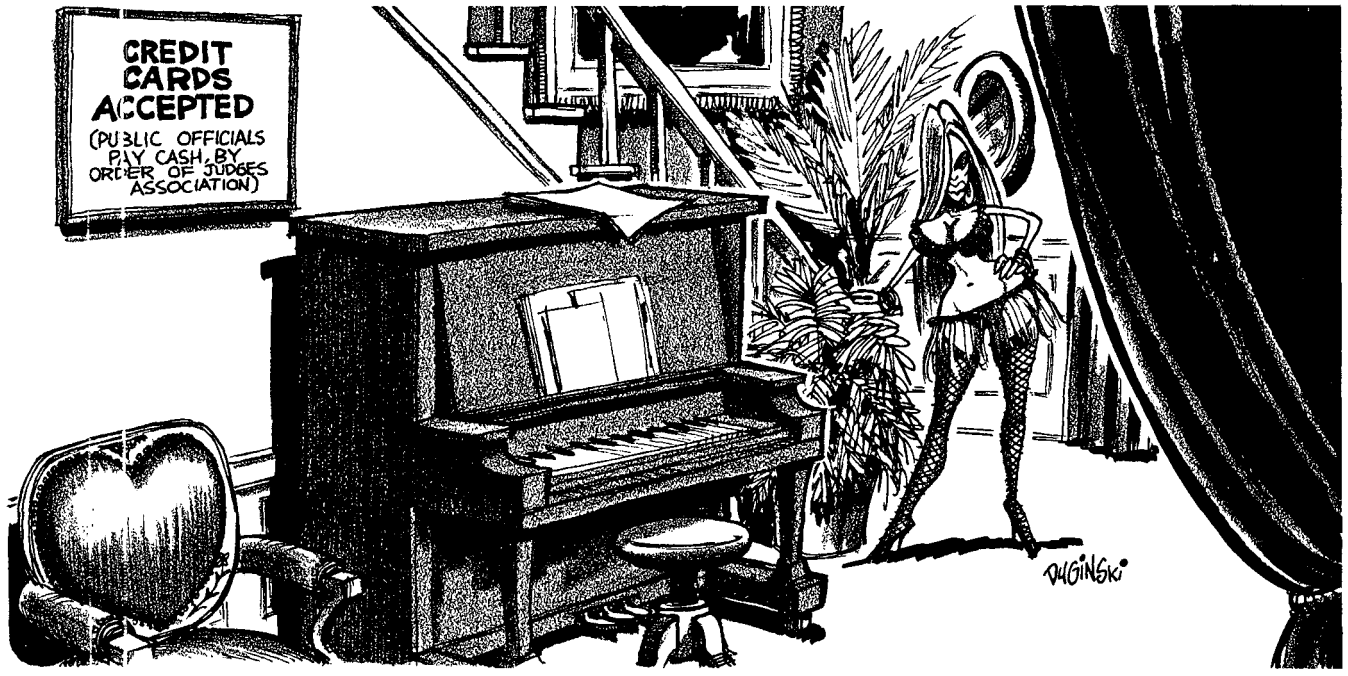
The trials and tribulations of San Diego's Judge Wenzell



By MARK FORSTER

In next month's election, voters in San Diego will be asked to decide on recalling a former Municipal Court judge who resigned in August — one day after the recall measure was placed on the ballot. The unusual vote is a formality, necessary under the law to allow for election of a successor on the same ballot. It should also close the most bitter and divisive chapter in San Diego's judicial history.

The story began when San Diego Municipal Judge Lewis A. Wenzell's name appeared on a customer list seized by police during a 1981 raid on a call girl ring. Wenzell, one of the most liberal judges to join the San Diego bench when he was appointed by Governor Jerry Brown in 1978, was convicted on five misdemeanor counts of soliciting prostitution. His trial was moved to Orange County because of local pretrial publicity.

Following the criminal conviction, the state Commission on Judicial Performance recommended to the Supreme Court that Wenzell be suspended immediately and, if he lost his appeal, that he be removed from the bench on the grounds that he was convicted of a crime involving moral turpitude. It was the first time in the commission's 20-year history that the moral turpitude clause of the state constitution was invoked to recommend removing a judge.

But in June the criminal convictions of Wenzell were reversed on the technical grounds of improper jury instructions. Without the conviction, the commission's recommendation to remove him was thrown into limbo, and Wenzell announced his plan to return to the bench after nearly a year's absence.

At that point a moribund recall drive against the judge was reinstated and quickly gathered 55,000 signatures. Wenzell then resigned, claiming he did not want the three recall leaders — a newspaper editor, county prosecutor and local attorney — to benefit further, either through increased newspaper sales or as candidates to succeed him as judge.

Revealing glimpses

Throughout the ordeal, public attention focused on the personal and professional tragedy surrounding Wenzell's effort to remain on the bench, where he was generally regarded as a bright legal mind. Nearly overlooked in the fascination with the scandal, however, were the revealing glimpses the case provided of judges as politicians and of the method by which California's legal bureaucracy disciplines judges. By the time Wenzell had been indicted and convicted and then had won his appeal, the image of the entire local bench had been damaged. "If the bench were the stock market," a local defense attorney says, "it would have lost 30 points."

Throughout Wenzell's trial and appeal, his 20 Municipal Court colleagues contributed to confusion and emotion surrounding the affair by holding a series of private meetings aimed at reassuring the public. But without any legal authority to act in the matter, the meetings became a political public relations gambit that failed. For example:

- **Two days** after Wenzell was indicted in August 1981, the Municipal Court judges decided to withhold cases from him until he cleared his name. Less than a month later, the judges rescinded the case embargo against Wenzell, de-

Mark Forster is a reporter in San Diego for the Los Angeles Times.

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ciding that it appeared injudicious to assume a man is guilty before he stood trial. Wenzell also had asked for assignments and his attorney, Peter Hughes, protested the judges' action in a letter to Supreme Court Justice Rose Bird.

• **After he was** convicted last October, Wenzell was asked to resign by his colleagues during a private meeting reported to be very emotional and tense. He "emphatically refused," according to a brief press release issued by the judges through a court administrator. Nearly all the judges shied away from any public comment.

• **The last meeting** was in June after Wenzell had won his appeal and announced his plan to return to the bench. The judges met, without Wenzell attending, and agreed they did not want him to hear cases until the Commission on Judicial Performance officially withdrew its recommendation to remove Wenzell. Wenzell decided not to fight his colleagues on the second case embargo. Also at the June meeting, the judges finally drew a line on their politicking: They refused to endorse Municipal Judge Janet Ide Kintner's motion to have the local bench support the Wenzell recall petition. Some judges said publicly that Kintner's motion was a blatant effort to politicize the local bench.

The Wenzell case had also tainted a messy primary battle for a Superior Court seat sought by Kintner and two other municipal judges, Kenneth Johns and David Moon. The spring campaign turned into a donnybrook of charges and countercharges about ethics and honesty. Kintner and Johns face each other in a November run-off.

Differing reactions

The San Diego bench's behavior in the Wenzell affair contrasted sharply with the judges' reaction to less serious yet compromising incidents involving two older, conservative Municipal Court judges. In March 1981, defense attorney Glenn S. Warren asked that Municipal Judge Charles Snell be removed from presiding over a preliminary hearing of a young black man charged with attempted murder. Warren alleged in court that Snell was unreasonably tough on criminal defense attorneys and their clients and often was drunk in court. Several judges disqualified themselves from hearing Warren's argument. Johns, as presiding judge, finally transferred the case and the Snell affair died quietly with no further action or comment.

Following that episode, Municipal Judge Robert Cooney attracted publicity when he gave court personnel wallets that had been evidence in a theft trial. The episode also passed quickly and quietly, mostly because the district attorney's office mollified the angry owner by returning the wallets and then downplaying the case.

In his resignation letter and only public comment, Wenzell lashed out at "the hypocrisy with which misdemeanor charges against me and other attendant matters were pursued and exploited." He did not elaborate. He also criticized the district attorney's office for taking an active role in seeking his recall.

The county prosecutor's office frequently had battled with Judge Wenzell over his liberal interpretation of search-and-seizure laws and prostitution cases. As part of his criminal defense, Wenzell unsuccessfully sought to have the district attorney's office removed from the case by claiming he was singled out for prosecution. While thousands of names were seized in the police raid on the call girl operation, Wenzell was the only person prosecuted. In addition, a grand jury investigation turned up no evidence of judicial misconduct on Wenzell's part, although he frequently heard prostitution-related cases.

Despite the fact Wenzell was accused of committing a misdemeanor in his private life, the district attorney's office pressed charges on eight counts (three were dropped) and then sought and obtained a jail term following conviction on a crime that is seldom even brought to trial. Wenzell's jail term was stayed pending appeal and he has not served any time in jail.

District Attorney Edwin Miller says his office never had an interest or a role in the political side of the case. Only Wenzell was prosecuted because he was the sole public figure involved and also one of the customers who provided corroborating evidence by paying the prostitutes with credit cards and checks, according to Miller.

While the criminal proceedings against Wenzell progressed, the authority to discipline him as a judge lay with the Commission on Judicial Performance, a nine-member constitutional body that has jurisdiction over California's 1,280 state judges. The commission, made up of judges, lawyers and laymen, has the power to recommend to the Supreme Court disciplinary action ranging from private admonishment to removal from the bench. In December the commission recommended, on a 6 to 3 vote, that Wenzell be suspended and removed, if he lost his appeal, for conviction of a crime involving moral turpitude. The recommendation

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had one immediate benefit: Wenzell's suspension eased public outcry somewhat, although he insisted on taking his $57,776 salary over the commission's objections.

But after Wenzell's conviction was reversed, the commission's recommendation was no longer valid and the Supreme Court could not take action against him. In addition, Wenzell was free to return to the bench. The public lost confidence in the judicial handling of Wenzell's case and turned to the recall petition.

Raising questions

While the Wenzell case offered the public a close look at how the system disciplines a judge, it also raised some questions. For example, what was the reason behind the commission's split vote on the recommendation? Why did three members oppose the course of action? The commission did not make public any explanation of the vote.

And what is the proper discipline for a judge? By coincidence, San Diego Superior Court Judge Hugo Fisher was disciplined in June by the Supreme Court on a recommendation made by the Commission on Judicial Performance. Fisher was publicly censured for mishandling a multimillion-dollar probate case by conducting *ex-parte* (one-sided) hearings with attorneys in the case. Legal observers were able to compare the punishment meted to Wenzell and Fisher: For a misdemeanor criminal conviction involving his private life, Wenzell faced removal from office. For abusing his judicial position inside the courtroom, Fisher was publicly censured.

Other questions arose about the role of the *San Diego Tribune* in the recall drive. The afternoon daily (circulation 130,000) printed recall petitions on its news pages and encouraged readers to mail them in. Editor Neil Morgan claims the *Tribune's* campaign accounted for 30,000 signatures. "I think it was an unprecedented response to a newspaper's editorial efforts," Morgan says. But within legal and media circles, criticism of the drive was widespread.

The Wenzell case had major impact on both the local bench and the public. Many judges and voters were outraged that a judge convicted of soliciting prostitution would attempt to remain on the bench and pass judgment on others accused of crimes. Even Wenzell's supporters acknowledged he was compromised and, as a judge, he had to face a more rigid ethical standard than would a private citizen. But his friends argued that Wenzell was unduly and harshly punished as a political victim of a system that fails to treat others equally.

Even as the Wenzell affair was making headlines, San Diego voters gave their usual endorsement to the rest of the judicial system. Of 28 incumbent judges who sought re-election in the June primary in San Diego, only one was challenged and he won. The other 27 incumbents were not even listed on the ballot and automatically received new six-year terms.

Apparently voter dissatisfaction was limited to the perceived inability or unwillingness of the judicial fraternity to discipline one of its own. When the system failed to remove Wenzell from the bench, public pressure did.

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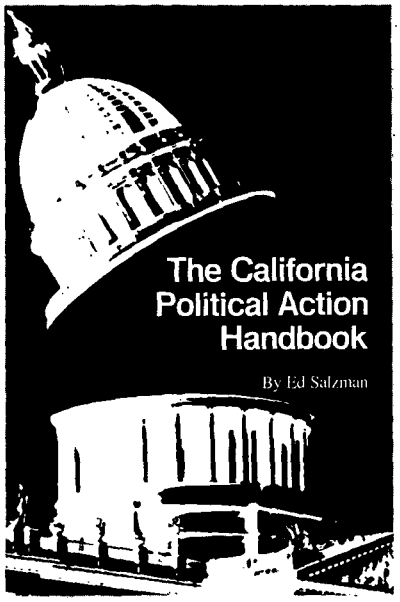

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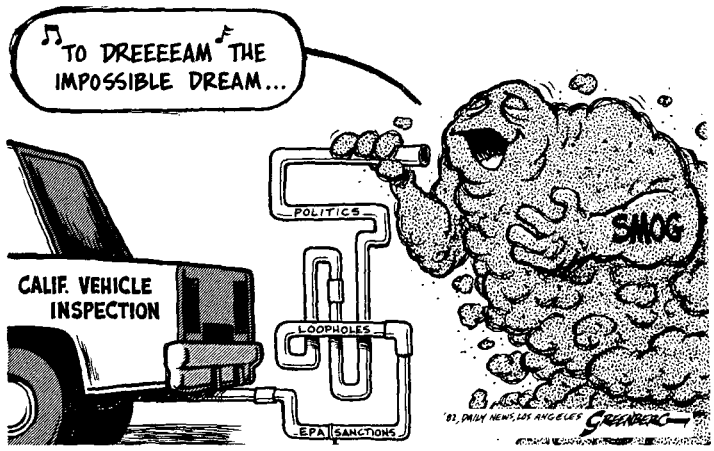
Finally, a smog-test program



If teachers mean what they say about not getting enough money from Sacramento, they can solve their financial woes by capitalizing on the state's brand new industry — inspection of motor vehicles. The 1981-82 Legislature ended on a strange note. Lawmakers, who usually shell out funds to please the Education Establishment, said no this year. And the same legislators, who have repeatedly refused to knuckle under to demands from Washington for a smog-inspection program, made a surprise move this year and enacted a watered-down plan.

With the tax revolt still alive and kicking, legislators were not about to enact a tax increase this election year. And that was the only way funds could be raised to provide assistance for schools (which translates chiefly into increases in teacher salaries). While the California Teachers Association and the California Federation of Teachers were screaming for funds, Senator Robert B. Presley of Riverside was tenaciously working his colleagues to round up the votes for a breakthrough on the smog-control issue. He finally succeeded with a compromise bill that will require inspections every two years and will free impounded federal funds for California. As signed into law by Governor Brown, the Presley plan requires that cars in six basins — Fresno, Sacramento, San Diego, Los Angeles, San Francisco and Santa Barbara — be inspected every two years at a cost estimated at less than $10. Repairs would be required if the car flunks the test, but a waiver is granted if the cost exceeds $50. Local officials could raise that amount to $100 to keep up with inflation.

Some of the other significant actions in the final flurry of legislative activity:

Bullet train — Environmental-protection laws were waived to permit rapid construction of a $2 billion bullet-train system between San Diego and Los Angeles. The project will be modeled after a Japanese line and will be built by American High Speed Rail Corporation.

Labor — Organized labor won major increases in worker compensation and unemployment benefits. The California Manufacturers Association protested that the worker-compensation measure will cost employers more than $1 billion a year.

Politics — Assemblyman Art Agnos won approval for the placement of a constitutional amendment on the ballot to curb dirty tricks in political campaigns. If approved by the voters in June of 1984, the plan would allow courts to remove officials from office if they defame an opponent in a campaign.

Divorce — The marriage dissolution process was streamlined with the elimination of the interlocutory decree.

Fireworks — Over the screams of local government, lawmakers approved a bill preventing cities and counties from banning the sale of fireworks.

Despite this year's fiscal crunch, legislators dug deep in the public's pockets to be generous with members of the Senate club. They passed bills designed to give defeated Senator Alex Garcia a job, to allow Senator Ralph Dills to collect a judicial pension, and to improve the pension benefits of former Senator Nate Holden.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through the end of the session. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y — Yes **N — No**
***— Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (2/3 = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (2/3 = 27 votes)

SENATE (23D,17R)	ACA 74 AB 684 AB 3011 AB 587	AB 1592 SB 999 SB 2097 AB 2873	AB 3048 SB 1438 AB 2982 ACR 149		ACA 74 AB 684 AB 3011 AB 587	AB 1592 SB 999 SB 2097 AB 2873	AB 3048 SB 1438 AB 2982 ACR 149
Alquist (D)	YYYY	YNNN	Y*NY	Marks (R)	YYYY	YYNY	YYYY
Ayala (D)	YYYY	NNYY	YNYN	Mello (D)	*YYN	Y*NY	*Y*Y
Beverly (R)	N*NN	YNYY	NYYN	Mills (D)	YYYY	Y*YY	Y**Y
Boatwright (D)	YYYN	*YN*	YY*Y	Montoya (D)	YYYN	*YYY	YY*Y
Campbell (R)	*N*N	NY**	*YYN	Nielsen (R)	YN*N	NYNY	YNY*
Carpenter (D)	NYYY	YYNY	YYNY	O'Keefe (R)	YN*Y	NNNN	NNN*
Craven (R)	*NYN	*YYY	YY*N	Petris (D)	YYNY	YYNY	YYYY
Davis (R)	YNYY	NNYN	YYYN	Presley (D)	YNYY	NYYY	YYYN
Dills (D)	YYY*	YYYN	YYYY	Rains (D)	YYYY	Y*NY	YYYY
Doolittle (R)	YNNY	NY*Y	**YN	Richardson (R)	***Y	NY*N	*N*N
Ellis (R)	YNNN	NNNN	YN*N	Robbins (D)	YNYY	YNYY	NYYY
Foran (D)	NY*N	*YNY	NN*Y	Roberti (D)	YY*Y	YNY*	YYNY
Garamendi (D)	YYYY	YNN*	**YY	Russell (R)	YNNN	*NYY	NNNN
Garcia, A. (D)	YY**	YY**	*YYY	Schmitz (R)	NYN*	NYYN	NNNN
Garcia, M. (R)	YNN*	NYYY	YNYN	Seymour (R)	YNYY	NYNY	NNYN
Greene (D)	*YYN	*YYY	YYYY	Sieroty (D)	NY*N	YNNY	YNYY
Holmdahl (D)	*YNN	NNNY	*YNN	Speraw (R)	YN*Y	*Y**	YNYN
Johnson (R)	YNNY	NNNY	NN*N	Stiern (D)	YNYN	NNYY	NN*N
Keene (D)	YY*Y	YYNY	YYYY	Vuich (D)	YNYN	YNNY	*YNN
Maddy (R)	Y*YY	NYYY	N***	Watson (D)	YYYY	YNYY	YYYY

SENATE

ACA 74 (Agnos) — Proposed constitutional amendment establishing procedure for removal from office of candidates who defame opponents. Passed, 29-5.

AB 684 (Young) — Increases worker com-

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pensation benefits and generally revises the law in this field. Passed, 21-16.

AB 3011 (Torres) — Establishes presumption that cancer is a job-related disease for firefighters. Passed, 21-9.

AB 587 (Moorhead) — Authorizes registered nurses to administer anesthesia if they receive special training. Passed, 21-15.

AB 1592 (Moorhead) — Expands scope of practice for registered nurses who are midwives. Defeated, 17-16.

SB 999 (Campbell) — Repeals authority of cities and counties to ban sale of fireworks. Passed, 21-16.

SB 2097 (Campbell) — Alters power of eminent domain so that the city of Oakland cannot condemn the Raiders professional football team. Defeated, 17-18.

AB 2873 (Bates) — Prohibits transport of flammable fluids through a tunnel without a CHP permit. Passed, 27-7.

AB 3048 (Kapiloff) — Prohibits carrying a minor in the back of a truck on a freeway unless the youngster is accompanied by an adult. Passed, 22-10.

SB 1438 (Roberti) — Prohibits any pound or humane society from providing animals for purposes of research or experimentation. Passed, 21-14.

AB 2982 (M. Waters) — Streamlines the dissolution of marriages. Passed, 21-8.

ACR 149 (Vasconcellos) — Expresses legislative support for a freeze on development of nuclear weapons. Failed, 19-18.

ASSEMBLY

SB 550 (Robbins) — Allows school districts to receive desegregation funds. Passed, 52-16.

SB 1593 (Watson) — Requires all school districts to adopt procedures to regulate employee smoking. Passed, 42-32.

SB 1504 (Presley) — Allows taxpayers to contribute funds to political parties via income-tax returns. Passed, 51-17.

AB 684 (Young) — Increases worker compensation benefits and makes other major changes in the worker-compensation law. Passed, 44-30.

SB 683 (Petris) — Adds two members to the Unemployment Insurance Appeals Board, and gives the Senate and Assembly leadership the power to make the appointments. Passed, 41-31.

AB 3256 (Kapiloff) — Authorizes the Coastal Commission and local governments to issue cease-and-desist orders in cases involving permit violations. Passed, 42-33.

ASSEMBLY (48D, 31R)	SB 550	SB 1593	SB 1504	AB 684	SB 683	AB 3256	SB 33	HR 38	SB 1998	ACR 149	SB 238	SB 1438
Agnos (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alatorre (D)	Y	N	Y	Y	Y	Y	Y	*	Y	Y	*	*
Baker (R)	N	N	N	N	N	N	N	N	N	Y	N	Y
Bane (D)	*	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y
Bates (D)	N	Y	Y	Y	Y	Y	Y	*	Y	Y	*	*
Bergeson (R)	Y	N	N	N	N	N	Y	Y	*	N	*	*
Berman (D)	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	*
Bosco (D)	*	*	Y	*	Y	Y	Y	N	*	*	N	Y
Brown, D. (R)	*	N	N	N	N	N	N	N	N	N	N	N
Brown, W. (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y
Campbell (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Chacon (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*
Cortese (D)	Y	Y	Y	*	Y	Y	*	Y	Y	Y	Y	*
Costa (D)	Y	N	Y	*	Y	Y	Y	*	Y	Y	*	*
Cramer (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*
Deddeh (D)	Y	N	Y	*	Y	Y	Y	Y	N	*	Y	Y
Duffy (R)	*	N	*	N	N	N	N	N	Y	*	*	*
Elder (D)	Y	Y	*	Y	Y	Y	Y	Y	N	Y	Y	*
Farr (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	*
Felando (R)	N	Y	N	N	N	N	N	*	N	Y	N	*
Filante (R)	Y	Y	Y	N	N	N	Y	*	N	Y	*	N
Floyd (D)	Y	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y
Frazee (R)	Y	Y	N	N	N	N	N	*	Y	Y	*	*
Frizzelle (R)	N	N	N	N	N	N	N	*	Y	Y	*	*
Goggin (D)	Y	Y	Y	Y	*	Y	Y	*	Y	Y	Y	N
Greene (D)	Y	N	Y	Y	Y	*	Y	*	Y	Y	Y	N
Hallett (R)	Y	N	*	N	N	*	N	N	Y	Y	*	*
Hannigan (D)	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Harris (D)	Y	N	Y	Y	N	Y	Y	*	Y	Y	Y	Y
Hart (D)	Y	Y	*	Y	N	Y	*	Y	N	Y	Y	Y
Herger (R)	N	N	N	N	N	N	*	N	N	N	N	N
Hughes (D)	Y	N	Y	Y	Y	Y	Y	*	Y	Y	Y	*
Imbrecht (R)	Y	Y	Y	N	Y	N	N	Y	Y	Y	Y	Y
Ingalls (D)	Y	Y	Y	*	Y	*	Y	*	Y	Y	Y	Y
Ivers (R)	N	N	N	*	Y	N	*	*	Y	N	*	*
Johnson (R)	Y	*	*	N	N	N	N	*	N	*	N	*
Johnston (D)	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N
Kapiloff (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Katz (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Kelley (R)	Y	N	Y	N	N	Y	Y	N	Y	Y	N	N
Konnyu (R)	N	N	*	N	N	Y	N	N	Y	Y	N	Y
LaFollette (R)	Y	Y	N	N	N	N	Y	N	N	Y	*	N
Lancaster (R)	*	N	*	N	N	Y	Y	N	Y	Y	*	*
Lehman (D)	Y	N	Y	*	Y	*	Y	*	*	Y	Y	Y
Leonard (R)	Y	Y	Y	N	*	N	N	*	Y	*	*	*
Levine (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Lewis (R)	*	N	N	N	N	N	N	N	N	N	N	N
Lockyer (D)	N	Y	Y	N	Y	Y	N	Y	N	Y	N	Y
Marguth (R)	N	Y	*	Y	N	N	N	N	N	*	N	*
McAlister (D)	*	Y	Y	N	Y	N	Y	*	Y	N	Y	N
McCarthy (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Moore (D)	*	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*
Moorhead (D)	Y	Y	Y	N	Y	N	Y	Y	N	Y	*	N
Mountjoy (R)	N	N	N	N	N	N	Y	N	N	N	Y	N
Naylor (R)	Y	N	N	N	N	N	Y	*	N	N	N	*
Nolan (R)	N	N	N	N	N	N	N	N	N	N	N	N
Papan (D)	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
Robinson (D)	Y	N	Y	Y	Y	N	Y	*	N	Y	*	Y
Rogers (R)	N	Y	N	N	N	N	N	*	N	N	*	*
Roos (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Rosenthal (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ryan (R)	Y	N	Y	N	*	Y	Y	*	Y	*	*	*
Sebastiani (R)	N	Y	N	N	N	*	N	*	N	N	*	*
Sher (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Statham (R)	N	N	N	N	N	N	N	N	N	*	N	*
Stirling, D. (R)	*	N	*	N	*	Y	*	Y	Y	*	*	*
Stirling, L. (R)	Y	*	*	N	*	N	N	Y	Y	N	Y	*
Tanner (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Thurman (D)	Y	N	Y	Y	*	N	N	Y	N	Y	N	N
Torres (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	*
Tucker (D)	*	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N
Vasconcellos (D)	*	*	Y	Y	Y	Y	Y	*	*	Y	Y	*
Vicencia (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Waters, M. (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N
Waters, N. (D)	Y	N	Y	Y	N	N	Y	Y	*	*	Y	Y
Wray (D)	Y	Y	Y	Y	Y	Y	*	Y	Y	*	N	Y
Wright (R)	Y	Y	N	N	N	N	Y	N	Y	N	N	*
Wyman (R)	N	N	Y	N	N	N	Y	N	N	N	N	N
Young (D)	Y	Y	Y	Y	Y	N	Y	Y	*	Y	Y	Y

SB 33 (Presley) — Establishes a biennial motor-vehicle emission inspection program for urban areas, as required by the federal government. Passed, 46-31.

HR 38 (Rosenthal) — Expresses Assembly opposition to removal of rooftop warning lights on CHP vehicles. Passed, 48-18.

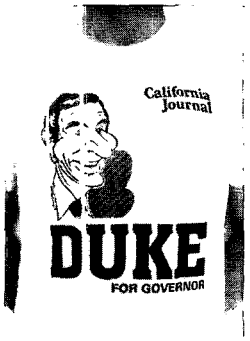
SB 1998 (Watson) — Repeals law allowing courts to order sterilization of certain sex offenders. Passed, 41-27.

ACR 149 (Vasconcellos) — Expresses support for freeze on nuclear-weapon development. Passed, 43-16.

SB 238 (Alquist) — Provides salary increases for state elected officials. Defeated, 41-30 (54 votes required).

SB 1438 (Roberti) — Prohibits pounds, humane societies and animal shelters from providing animals to research facilities for experimentation. Failed, 30-16.

Wear your candidate on your chest



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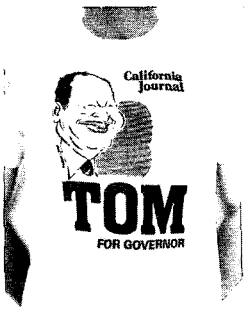

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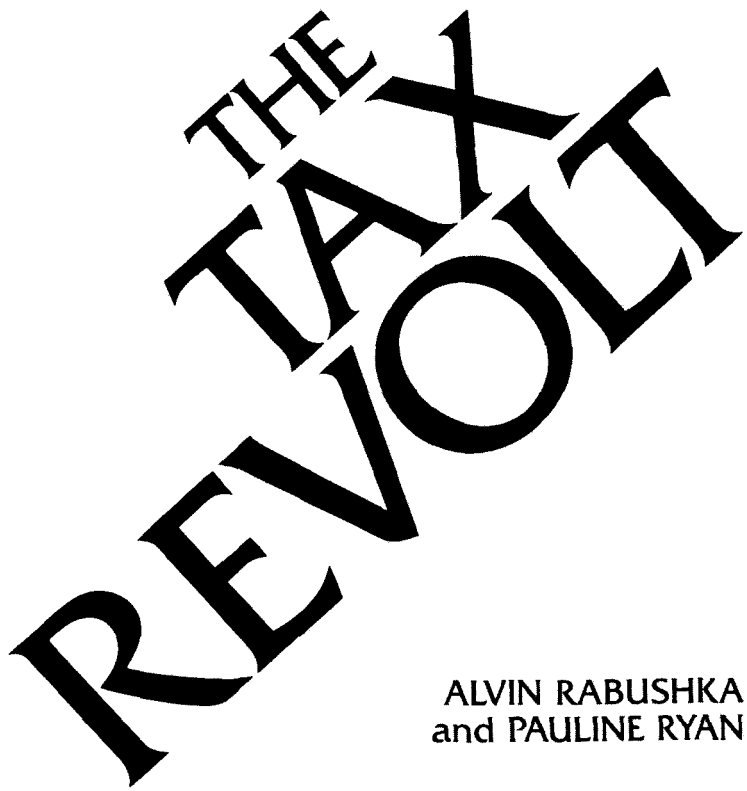

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Riding along the initiative trail

Is Proposition 8 — the so-called Victims' Bill of Rights — headed down the same legal path as Proposition 13, the Jarvis-Gann property-tax initiative of 1978?

Shortly after Proposition 13 was approved by the electorate, the state Supreme Court ruled that the initiative was constitutional. But on three different occasions since that time, the court has handed down decisions which have weakened the impact of the measure. Indeed, Howard Jarvis and Paul Gann are now planning a new initiative to restore some of the provisions eradicated by the court.

Backlash invitation?

The umbrella ruling on Proposition 13 was handed down in a highly charged political atmosphere. The public would have been outraged had the court thrown out the voters' self-delivered cut of some $7 billion in property taxes. The court acted on Proposition 8 early last month under somewhat similar circumstances. The names of four justices will appear on the ballot this November, and Chief Justice Rose Bird is the target of a recall attempt. Had the court thrown out Proposition 8, would the justices be inviting a massive backlash from the electorate?

The issue before the court in the Proposition 8 case was simple: Did the measure deal with a single subject, as required by the constitution? In a decision that weighs a pound and a quarter, the court found by the narrowest of margins that the dozen provisions of the initiative are "reasonably germane" to the same subject, "promoting the rights of actual or potential crime victims." The decision was written by Justice Frank Richardson and signed by Associate Justices Frank Newman, Otto Kaus and Cruz Reynoso. All but Newman face the voters in November.

Weeping goddess

Bird and Justice Stanley Mosk wrote stinging dissents, with Justice Allen Broussard (whose name will be on the ballot) signing the Mosk opinion. Bird, in effect, called the majority "cowards." Mosk ended his protest this way: "The Goddess of Justice is wearing a black arm-band today, as she weeps for the Constitution of California."

The question now is whether the court will throw out key provisions of the measure as each is tested. The Bird dissent runs 66 pages and is loaded with references to difficult issues that must yet be resolved. In a few years, will Paul Gann be riding the trail again with an initiative designed to clean up the technical errors in Proposition 8?

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Perspective from
WASHINGTON
By Leo Rennert

Porous borders

As a border state, California had more than a passing interest in congressional attempts to enact new immigration restrictions and to curb the flow of illegal aliens. Concern about U.S. inability to police its border with Mexico has been rising, particularly when there's a widespread public notion that cheap foreign labor contributes to high unemployment. Yet, any effort to find a legislative remedy quickly triggers strong emotions, latent prejudices and conflicting pressures. While there's a big outcry about illegals stealing American jobs, many profitable crops couldn't be harvested without them and some industries in the Southwest would go out of business.

EVEN WITHIN THE SHADOW of the U.S. Capitol, operators of deluxe restaurants and watering holes frequented by members of Congress don't share their customers' enthusiasm to seal borders. Many a lawmaker, whether he realizes it or not, gets his food and drink from illegals. The entire topic is bereft of reliable statistics and cloaked in myth. Illegals who supposedly steal American jobs also crowd the welfare rolls. Their numbers are a matter of pure conjecture. Federal officials guess it's between 3 and 6 million, with California claiming more than 1 million. Nobody knows for sure.

The push to do something began in the Senate with strong backing from the Reagan Administration. At the outset, there was a liberal-conservative consensus for a double-barreled solution. Illegals already in this country would be granted amnesty because it would be futile — and unjust — to try to deport millions of people who had become "de facto" residents. Amnesty would give them legal status and make them eligible for eventual citizenship. The other part of the solution was to take firm control of American borders by imposing heavy civilian and criminal penalties on employers who henceforth hire illegals. Sponsors of the bill argued that policing the source of the problem — the lure of American jobs — would be more effective than increasing the border patrol or relying on hit-or-miss roundups of supposed aliens in Los Angeles barrios and San Joaquin Valley melon fields.

While these general precepts gained wide support, controversy erupted over specific terms and enforcement provisions. Hispanic groups expressed fear that employers would turn away not just undocumented workers but also Mexican-Americans already suffering from discrimination. The administration alienated Senator Ted Kennedy and other original supporters of the bill by pushing through an amendment to limit amnesty for illegals to those who arrived in this country before 1980. Kennedy, who wanted a more generous 1982 cutoff date for absorption of illegals, said this would leave a huge "subclass of people" vulnerable to economic exploitation. He also lost an attempt to attach anti-discrimination safeguards to the employer-sanctions provision. "What started out to be immigration reform has become immigration restriction," he complained.

Both California senators voted against the bill — for different reasons. Democrat Alan Cranston objected to the issuance of a supposedly tamper-proof national identification card for all job-seekers as a means of helping employers weed out illegal applicants. Recalling his experience as a foreign correspondent in Hitler Germany, Cranston told the Senate: "The first tool of a totalitarian system is a domestic passport." Republican S. I. Hayakawa turned against the bill after the Senate rejected his efforts to attach amendments to authorize a Mexican guest-worker program to help harvest California specialty crops and to ban roundups of illegals on farms without use of search warrants. Since warrants are needed to search factories, he argued they also ought to be required when federal patrols see "a number of brown-skinned men stooped over gathering cauliflower or strawberries." Hayakawa called the bill "completely insensitive to the needs of California agriculture."

Still, the measure cleared the Senate rather easily, thanks to deft legislative footwork by its principal sponsor, Republican Alan Simpson of Wyoming. The situation changed dramatically after Labor Day, however, when action shifted to the House. The Senate tends to be influenced by the interests (and prejudices) of small states. "The bill was fueled by a heavy streak of nativism," said an aide to Cranston. Other critics used harsher terms, including racism. In the lower chamber, where big states wield more power, opponents had more leverage. Also, it was the big states — California, New York, Texas, Florida, New Jersey — that were primarily affected. Disparate interests — employers, unions, Hispanics, civil rights groups — began to coalesce against the bill.

California led the assault by warning that the administration had pulled a fast one in shifting the financial burden for absorption of illegal aliens to state and local governments. State Senate President pro Tem David Roberti told the congressional delegation that California taxpayers might be saddled with an extra annual tab of up to $1.3 billion in welfare costs for illegals eligible for amnesty. Representative Don Edwards of San Jose, chairman of the Democratic delegation, led opposition forces in the House Judiciary Committee. Besides complaining about the fiscal impact on states, Edwards objected to a provision that would have required foreign students who complete their studies in the U.S. to go back to their home countries for at least two years before they could return to accept American jobs. California universities and electronics firms expressed alarm that the bill would drive away badly needed foreign talent in science and engineering. There were dire predictions that it would depopulate Silicon Valley and engineering faculties. Asian groups in California were upset by still another restriction to eliminate immigration preferences for brothers and sisters of American citizens.

WITH TIME RUNNING out on the 97th Congress, the House was torn between drafting a significantly different version that might not be acceptable to the White House and the Senate or killing the bill altogether. As November campaign fever swept Capitol Hill, it looked as if Congress might have to try all over again next year.

In the meantime, there's increasing skepticism that illegal border crossings can be legislated away. While Congress fiddled with the problem, a potentially more important development took place south of the border. With the Mexican economy on the rocks and the peso sharply devalued, there now is likely to be an even greater influx of illegals in search of hard-dollar earnings — congressional efforts to the contrary notwithstanding.

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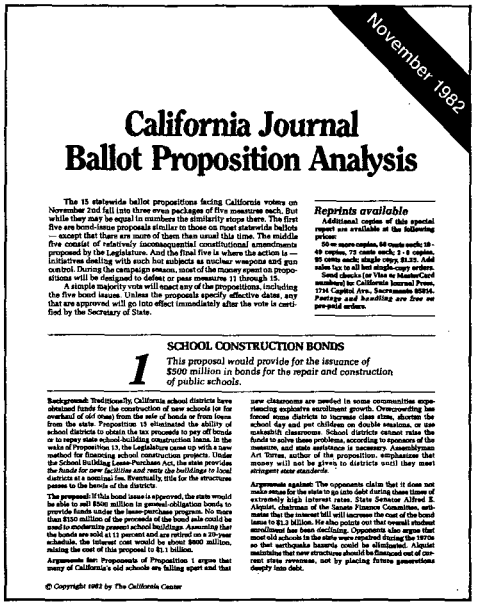
November 1982

California Journal
Ballot Proposition Analysis

The 15 statewide ballot propositions facing California voters on November 2nd fall into three even packages of five measures each. But while they may be equal in numbers the similarity stops there. The first five are bond-issue proposals similar to those on most statewide ballots — except that there are more of them than usual this time. The middle five consist of relatively inconsequential constitutional amendments proposed by the Legislature. And the final five is where the action is — initiatives dealing with such hot subjects as nuclear weapons and gun control. During the campaign season, most of the money spent on propositions will be designed to defeat or pass measures 11 through 15.

A simple majority vote will enact any of the propositions, including the five bond issues. Unless the proposals specify effective dates, any that are approved will go into effect immediately after the vote is certified by the Secretary of State.

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SCHOOL CONSTRUCTION BONDS

1 *This proposal would provide for the issuance of $500 million in bonds for the repair and construction of public schools.*

Background: Traditionally, California school districts have obtained funds for the construction of new schools (or for overhaul of old ones) from the sale of bonds or from loans from the state. Proposition 13 eliminated the ability of school districts to obtain the tax proceeds to pay off bonds or to repay state school-building construction loans. In the wake of Proposition 13, the Legislature came up with a new method for financing school construction projects. Under the School Building Lease-Purchase Act, the state provides *the funds for new facilities and rents the buildings to* local districts at a nominal fee. Eventually, title for the structures passes to the hands of the districts.

The proposal: If this bond issue is approved, the state would be able to sell $500 million in general-obligation bonds to provide funds under the lease-purchase program. No more than $150 million of the proceeds of the bond sale could be used to modernize present school buildings. Assuming that the bonds are sold at 11 percent and are retired on a 20-year schedule, the interest cost would be about $900 million, raising the cost of this proposal to $1.1 billion.

Arguments for: Proponents of Proposition 1 argue that many of California's old schools are falling apart and that new classrooms are needed in some communities experiencing explosive enrollment growth. Overcrowding has forced some districts to increase class size, shorten the school day and put children on double sessions, or use makeshift classrooms. School districts cannot raise the funds to solve these problems, according to sponsors of the measure, and state assistance is necessary. Assemblyman Art Torres, author of the proposition, emphasizes that money will not be given to districts until they meet *stringent state standards.*

Arguments against: The opponents claim that it does not make sense for the state to go into debt during these times of extremely high interest rates. State Senator Alfred E. Alquist, chairman of the Senate Finance Committee, estimates that the interest bill will increase the cost of the bond issue to $1.1 billion. He also points out that overall student enrollment has been declining. Opponents also argue that most old schools in the state were repaired during the 1970s so their earthquake hazards could be eliminated. Alquist maintains that new structures should be financed out of current state revenues, not by placing future generations deeply into debt.

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The **Journal's** ballot proposition analysis doesn't tell citizens how to vote. But it provides the background, explanations and arguments voters need to make up their own minds. The pamphlet cuts through all the campaign rhetoric and brings out the bottom-line questions on each measure.

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— Mark Twain

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